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Voir Dire

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

-----x

3 UNITED STATES OF AMERICA

4 v.

14 CR 68 (KBF)

5 ROSS WILLIAM ULBRICHT,  
6 a/k/a "Dread Pirate Roberts,"  
7 a/k/a "DPR,"  
8 a/k/a "Silk Road,"

Defendant.

-----x

9  
10 New York, N.Y.  
11 January 13, 2015  
12 10:30 a.m.

13 Before:

14 HON. KATHERINE B. FORREST,

District Judge

15 APPEARANCES

16  
17 PREET BHARARA  
18 United States Attorney for the  
19 Southern District of New York  
20 SERRIN TURNER  
21 TIMOTHY HOWARD  
22 Assistant United States Attorneys

JOSHUA DRATEL  
LINDSAY LEWIS  
JOSHUA HOROWITZ  
Attorneys for Defendant

23 ALSO PRESENT: NICHOLAS EVERT, AUSA Paralegal  
24 MOLLY ROSEN, AUSA Paralegal  
25 VINCENT D'AGOSTINO, Special Agent, FBI  
LINDA MORENO, Trial Consultant

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1 (In open court)

2 (Prospective jury panel sworn)

3 THE COURT: Good morning, everyone. Please be seated.

4 Ladies and gentlemen, I know it's crowded in here.

5 And the way this process works is, we'll start moving people

6 pretty quickly. We're going to put 16 people pretty quickly

7 into the box and people can start filling in with some of the

8 seats. And then there will be a lot of fluid movement and some

9 people will be excused and there will be some more seats

10 opening up, so this standing won't last very long.

11 My name is Judge Katherine Forrest and I am the judge

12 in this matter, which is a criminal matter. And we're going to

13 be picking a jury today for this criminal matter. It's

14 expected that this trial is going to last somewhere between

15 four and six weeks.

16 Now, I know that you folks have already filled out the

17 written questionnaires and that was step one last week in

18 selection of the jury for this case. Today is the second and

19 final step of that jury selection process. So let me describe

20 for you folks how we're going to proceed and then get the

21 people the first 16 into the box.

22 What we're going to do is have the 16 in the box and

23 then I'm going to ask some questions, but I'm going to need

24 everybody to listen because you may well be, if you're not

25 initially put in the box, you may be put in the box at some

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1 point. It is always the case that whoever the first 16 that's  
2 in the box, not all of them end up in the box by the time we're  
3 done. There's always some movement. So we always have a  
4 situation where people from the audience then are called upon  
5 to fill in.

6 Now, you've all been given a list of just biographical  
7 questions and the pen. The pen is not for you to fill out that  
8 biographical information. The pen is really for you to use the  
9 back of that piece of paper, the blank side, to write down  
10 anything you want to remember as we're going along.

11 For instance, I'll be asking questions of the folks in  
12 the box, you out there if you're not picked will be listening,  
13 and if you believe that you would have had a yes answer to one  
14 of my questions, you might want to just note that down so that  
15 when I put you in the box and I say were there any questions  
16 that I asked that you would have answered yes to, you'll say  
17 oh, sure, there were, and on the back of your piece of paper  
18 you'll have noted down what they were, all right.

19 I'm going to have Joe, just because there are so many  
20 people here right now, put the first 16 in the box. It will be  
21 random. The first 12 will be the first jury panel and then the  
22 other four are the alternate jurors, but again, there will be  
23 some fluid movement between folks out there and in here.

24 Joe, why don't you put the first 16 in the box. We do  
25 it in a random -- sort of like an old Bingo wheel to pick your

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1 names out. Literally, your cards are in there and he puts his  
2 hand in and picks it out.

3 THE DEPUTY CLERK: The first prospective juror, Juror  
4 No. 50, 50. Juror no. 50, please take the first seat in the  
5 first row closest to me, right here. You might want to walk  
6 around to make it easy for you.

7 Juror no. 49, 49. Juror no. 49, please take the  
8 second seat in the first row closest to me. The third  
9 prospective juror, juror no. 181. Juror 181, please take the  
10 third seat in the first row closest to me. The fourth  
11 prospective juror, juror no. 65. Juror no. 65, please take the  
12 fourth seat in the first row closest to me. The fifth  
13 prospective juror, juror no. 101, 101. Juror no. 101, please  
14 take the fifth seat in the first row closest to me. The sixth  
15 prospective juror, juror no. 102, 102. Please take the sixth  
16 seat in the first row furthest from me. The seventh  
17 prospective juror, juror no. 154. Juror no. 154, please take  
18 the first seat in the second row closest to me.

19 THE COURT: You can walk all the way around this way  
20 if it's easier.

21 THE DEPUTY CLERK: The eighth prospective juror, juror  
22 no. 143. 143, please take the second seat in the second row  
23 closest to me, second seat, second row. The ninth prospective  
24 juror, juror no. 63. Juror no. 63, please take the third seat  
25 in the second row closest to me. The tenth prospective juror,

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1 juror no. 140, 140. Juror no. 140, please take the fourth seat  
2 in the second row.

3 The eleventh prospective juror, juror no. 153, 153.  
4 Juror no. 153, please take the fifth seat in the second row.  
5 The 12th prospective juror, juror no. 38. Number 38, please  
6 take the sixth seat in the second row. Prospective alternate  
7 juror no. 1, juror no. 61. Number 61, please take the second  
8 seat closest to me in the last row. Prospective alternate  
9 juror no. 2, juror 59, 59. Mr. 59, please take the second seat  
10 in the last row. I realize I just said Mr. 59, I apologize.  
11 Alternate prospective juror no. 107. Please take the third  
12 seat in the last row. And the last prospective alternate juror  
13 no. 4, four, juror 106. Number please take the seat in the  
14 last row.

15 THE COURT: Thank you, everyone. As I said, I want  
16 everybody to be listening to the questions because I'll be  
17 asking some of you, without a doubt, to fill in a spot now and  
18 again. So a number of you will come from the back of the room  
19 into the jury box and I will, at that time, ask you were there  
20 any questions which I asked to which you had a yes answer. So  
21 you'll want to keep track of those on the back of your piece of  
22 paper so that you can remember those.

23 Now, before I do that, I want to give you folks just  
24 some preliminary instructions. The purpose of these questions  
25 is to enable us to select a jury that's going to be fair and

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1 impartial in this case. Now, my questions to you and your  
2 answers to those questions are in no sense evidence in this  
3 case and you shouldn't regard them or any thoughts that they  
4 may raise in your minds as having any bearing on this case.

5 The questions are not meant to embarrass you in any  
6 way, but just to elicit the basic kinds of information that we  
7 need for the jury selection process.

8 Now, your oath obligates you to give fair and truthful  
9 answers to the questions that I'm going to ask of you. It's  
10 your solemn duty to serve as a fair and impartial juror if  
11 you're able to do so, but it is equally your solemn duty not to  
12 serve if, for any reason, you cannot be fair and impartial in  
13 this case. Accordingly, you have to disclose to the Court any  
14 fact or belief that might prevent you from being fair and  
15 impartial in this case.

16 And there will be an opportunity if, after asking all  
17 of the questions, you still think there's something that  
18 prevents you from being fair and impartial, there will be an  
19 opportunity for you to indicate that at the time.

20 Now, it's very important that you don't say anything  
21 in open court about the parties in this case or about views  
22 that you have that could tend to impair the open-mindedness of  
23 the others around you. So if you believe that one of your  
24 answers to a question requires you to give more explanation,  
25 then I'm going to have you come over to what we call side bar,

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1 which is an area over to my right, and then the court reporter  
2 comes over and we have you tell us that answer if it needs more  
3 explanation privately with the lawyers and with me.

4 So if you feel like you need to give a fuller  
5 explanation that might impair other's open-mindedness, don't  
6 just blurt it out. We'll have you come on over and do it at  
7 side bar.

8 Now, as I said earlier, this is a criminal case, which  
9 means that the defendant is punishable under the laws of the  
10 United States if the jury finds him guilty beyond a reasonable  
11 doubt of the crimes charged. In a criminal case, the defendant  
12 is presumed innocent until proven guilty. It's the  
13 government's burden of proof to establish the defendant's guilt  
14 beyond a reasonable doubt. And I'm going to instruct the jury  
15 on what this burden of proof means after the evidence is  
16 presented.

17 Now, the charges against a criminal defendant are  
18 included in a document that we call an indictment. An  
19 indictment is merely an accusation. It's a statement from the  
20 government about what the government intends to prove at a  
21 criminal trial. It's not evidence against the defendant, and  
22 you cannot draw any negative inference against him from its  
23 existence.

24 The defendant here has pled not guilty to each of the  
25 charges against him. The accusations and the denial by the

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1 defendant of those accusations, that raises questions of fact  
2 which a jury then is tasked with deciding. The jury in a  
3 criminal case decides the questions of fact, not the judge, the  
4 jury.

5 The only evidence that you can consider as bearing on  
6 a defendant's guilt is the evidence received in this trial,  
7 which is going to consist of testimony of witnesses under oath  
8 and exhibits that the Court receives into evidence. I have no  
9 knowledge of the facts of this case and nothing that I ever say  
10 constitutes evidence.

11 Now, what I'm going to do is briefly summarize the  
12 charges against the defendant now and then we're going to go on  
13 to the questions I told you I would ask.

14 Now, as I told you, the indictment is simply an  
15 accusation containing charges. It is not evidence. Here, the  
16 indictment charges an individual by the name of Ross William  
17 Ulbricht who the government alleges used the aliases Dread  
18 Pirate Roberts or the three letters DPR and Silk Road. The  
19 indictment charges him in seven counts, all of the counts  
20 concern the defendant's alleged operation and management of an  
21 alleged black market Internet website known as Silk Road  
22 between the years 2011 and 2013.

23 The government alleges that the defendant deliberately  
24 designed and administered Silk Road to enable users to buy and  
25 sell illicit drugs and other illegal goods and services,



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1 including computer-hacking tools and services and false  
2 identification documents, and to do so anonymously and outside  
3 of the reach of law enforcement.

4 Now, I want to assure you that while the facts in this  
5 case involve a website and involve the Internet, you don't have  
6 to have any particular expertise to serve as a juror on this  
7 case because all of the evidence that you are going to need to  
8 render a verdict will be evidence received into evidence at  
9 this trial.

10 Now, Counts One through Four charge the defendant with  
11 various narcotics offenses based on illegal drugs that were  
12 allegedly sold on Silk Road. Count Five charges the defendant  
13 with conspiring to commit or help other commit computer-hacking  
14 based on the alleged sale of computer-hacking tools and  
15 services on Silk Road. Count Six charges the defendant with  
16 conspiring to traffic in false identification documents based  
17 on the alleged sale of fake IDs, fake passports and other  
18 fraudulent identification documents on Silk Road. And finally,  
19 Count Seven charges the defendant with conspiring to commit  
20 money laundering based on the payment system used on Silk Road  
21 which relied on Bitcoins, a form of digital payment. The  
22 government alleges that the defendant designed Silk Road's  
23 particular payment system to facilitate the illegal  
24 transactions that were conducted allegedly on Silk Road and to  
25 conceal the proceeds of those transactions from law

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1 enforcement. The defendant denies all of the charges in the  
2 indictment and has pled not guilty to all of them.

3 Now, I'm going to start asking the questions. So if  
4 anyone has a yes answer who is in the jury box, please raise  
5 your hand and I'll take you one by one. If you're in the  
6 audience and you have a yes answer to one of my questions, make  
7 sure that you note it down using the piece of paper and the pen  
8 that you have been provided.

9 Ladies and gentlemen, does any juror have any personal  
10 knowledge or knowledge from other sources of the charges in the  
11 indictment against this defendant?

12 Does any juror feel that he or she could not view a  
13 case involving these charges fairly and impartially?

14 Does any juror believe that the actions involved in  
15 such charges should not be a crime?

16 As I noted before, the defendant in this case is named  
17 Ross William Ulbricht. I'm going to ask the defendant, please,  
18 sir, to stand. Does any juror feel any bias or prejudice  
19 against this defendant? You may be seated, sir. Thank you.

20 Does any juror know Mr. Ulbricht or has any juror or  
21 have any of the juror's friends, relatives or associates that  
22 you know of had any dealings with him, either directly or  
23 indirectly?

24 Does any juror have any bias for or against the U.S.  
25 government, the United States Attorney's Office or any federal

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1 or state law enforcement agency or for or against people who  
2 work in law enforcement?

3 Does any juror have any opinion about the enforcement  
4 of federal laws in general or federal cyber crime laws in  
5 particular that might prevent you from being fair and impartial  
6 in this case?

7 Does any juror have any opinion about the drug laws or  
8 drug legalization that might affect your ability to be fair and  
9 impartial in this case?

10 Has any juror served in the military, police,  
11 intelligence or security services of any other nation, state or  
12 political entity?

13 Now, this case is likely to receive ongoing media  
14 attention. The Court wants to make sure that this case is  
15 decided solely on the evidence in the courtroom and not based  
16 on things that are said outside of the courtroom. Accordingly,  
17 I will be advising you regularly, and indeed at every break,  
18 that you must avoid speaking to anybody about the case and to  
19 avoid reading about the case in newspapers, watching anything  
20 on television, reading anything on the Internet about this  
21 case.

22 Is there anybody who has a problem following those  
23 requirements? I'm sorry.

24 THE DEPUTY CLERK: Number four.

25 THE COURT: Number four, is it because you have

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1 already seen something about this case?

2 JUROR: No. I can't make the four to six weeks.

3 THE COURT: You can't make the four to six weeks?

4 Okay. We're going to get to the timing issue in a few moments  
5 and then we'll have an opportunity for people to flag  
6 particular issues they may have.

7 As it happens from time to time when a courthouse like  
8 this big federal courthouse is picking juries all over the  
9 courthouse, sometimes there are people out in front handing out  
10 fliers and there may have been people out there today handing  
11 out fliers. Did any of the prospective jurors here in the box  
12 take one of those fliers?

13 We have juror no. 6. Anybody else? Juror no. 7,  
14 juror no. 8. Anyone else? Okay. Six, seven, eight and  
15 alternate number four.

16 Let me just start with juror no. 6, did you read the  
17 flier?

18 JUROR: No, not yet.

19 THE COURT: Would you mind putting that flier to the  
20 side and not reading it until you have been dismissed as a  
21 juror or if you're retained as a juror not looking at it until  
22 the conclusion of this case?

23 JUROR: Okay.

24 THE COURT: Juror no. 7, have you read the flier?

25 JUROR: No.

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1 THE COURT: Would you mind doing the same thing,  
2 putting that flier aside, not reading it until you are either  
3 dismissed or until the conclusion of this case?

4 JUROR: Certainly.

5 THE COURT: Juror no. 8, have you read the flier?

6 JUROR: No.

7 THE COURT: Would you mind doing the same thing,  
8 putting it aside and not reviewing it until the conclusion of  
9 this case?

10 JUROR: No, I don't mind.

11 THE COURT: What's that?

12 JUROR: I don't mind.

13 THE COURT: Thank you. Alternate juror no. 4, have  
14 you read the flier?

15 JUROR: No.

16 THE COURT: And would you mind also putting that to  
17 the side and not reviewing it until you are dismissed or the  
18 conclusion of this case? Is that all right?

19 JUROR: Yes.

20 THE COURT: There's a glare right behind you because  
21 you have, like, a halo effect because of the sun right behind  
22 you; that's why I was asking you to repeat yourself.

23 There also were posters that were out in front of the  
24 courthouse about potential matters going on in this courthouse  
25 right now. Did any of the prospective jurors see any of those

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1 posters?

2 Alternate juror no. 1, did you read the poster?

3 JUROR: In passing, driving, yeah, I read a couple of  
4 them. That's it.

5 THE COURT: We'll take that up in a minute. Did  
6 anybody else? All right.

7 Was anybody approached by anybody on their way into  
8 the courthouse? Somebody who attempted to have a conversation  
9 with you or made comments to you about any case? All right.

10 Number one, why don't you come on down, alternate  
11 number one. Why don't you come on down for one second?

12 JUROR: Leave my stuff here?

13 THE COURT: Yes, you can leave that.

14 (At the side bar)

15 (Juror present)

16 THE COURT: Alternate number one, do you recall  
17 anything about the content of the posters that you saw?

18 JUROR: I saw something that said web hosting and like  
19 WTF. That was pretty much it. I was kind of passing in the  
20 car and just looking over really quickly.

21 THE COURT: Okay. And is there anything about that  
22 which you connected with this case?

23 JUROR: I knew what we were coming into and I figured  
24 that that's probably what this was about but other than that,  
25 no.

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1 THE COURT: Okay. Did it have any meaning to you?

2 JUROR: Not really.

3 THE COURT: Now, it's very important that the jury,  
4 once a jury is impanelled, and even during the jury selection  
5 process, that people try to avoid reading anything about this  
6 case, considering anything that's -- relates to this case in  
7 any way that occurs outside of the courtroom.

8 Would you be able to follow that instruction?

9 JUROR: I think so.

10 THE COURT: Is there anything about what you saw on  
11 that poster that makes you feel that it in some way may bias  
12 you or give you a view about the merits of the case that you  
13 now come into this courtroom with already?

14 JUROR: No.

15 THE COURT: Do you feel that you can be fair and  
16 impartial in this case?

17 JUROR: Yes, yeah.

18 THE COURT: Counsel, is there anything else you'd like  
19 to ask?

20 MR. DRATEL: Just instruct her not to discuss this  
21 with any other juror what she saw.

22 THE COURT: All right. It's very important that if  
23 there are breaks and other things that occur as -- as we're  
24 doing the jury selection process and at any other point in time  
25 that you not share with any other juror what you've seen, and

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1 I'll be giving that same instruction to all jurors, all right?

2 JUROR: All right.

3 THE COURT: Can you follow that instruction?

4 JUROR: Yes.

5 THE COURT: Anything else?

6 MR. DRATEL: Thank you.

7 THE COURT: Thank you. You may return.

8 (In open court)

9 THE COURT: All right. Has any prospective juror ever  
10 used a website by the name of Silk Road?

11 Does any juror have any problem with hearing or vision  
12 or any other problem that would prevent you from giving your  
13 full attention to all of the evidence during this trial?

14 Is any juror taking any medication that would make it  
15 difficult for you to give your full attention to the evidence  
16 at this trial?

17 Does any juror have any difficulty reading or  
18 understanding the English language?

19 Does any juror have any religious, philosophical or  
20 other beliefs that would make you unable to render a guilty  
21 verdict in this criminal case?

22 Has any juror had any legal or paralegal training?

23 As I mentioned before, this case is going to take four  
24 to six weeks we expect to try. Sometimes things go faster.  
25 Sometimes they go a little bit slower, but that I think is a



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1 pretty good estimate. And we'll give you indications as we go  
2 along if we think we're going to substantially beat that or if  
3 we're going to miss that date, but four to six weeks is a  
4 pretty good estimate.

5 Now, the right to a jury trial is obviously a very  
6 important -- indeed, it's a critical right in our American  
7 legal system, and it's very important that citizens serve on  
8 juries to make that work. If we don't have citizens who serve  
9 on juries, the jury system simply cannot work.

10 We do know it's an inconvenience for people to sit on  
11 juries and to often take out what are weeks from their  
12 schedules and that there would be something else you'd be doing  
13 today if you weren't sitting here or standing here in this  
14 courtroom. We appreciate that. We understand that.

15 But is there any prospective juror who, as you sit  
16 here right now understanding the importance of serving as a  
17 juror nonetheless believes that you cannot serve for a case  
18 that will potentially last four to six weeks?

19 Now, on the questionnaires, we asked about that time  
20 frame. Did any of you fill out that you did have a problem  
21 that you were called? Okay. Number one and number seven,  
22 eight, nine, ten and alternate one.

23 So we have alternate one, number one and who else, and  
24 number four? Who else? Five, six. Okay. Raise your hands  
25 again. So I have no. 1, 4, 6, 7, 8, 9, 10 and alternate no. 1

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1 and 4. We're going to take you folks one by one down here.  
2 We'll have you line up whenever you get down here line up we'll  
3 tell you tell us your juror number and we'll go through it.  
4 Thank you.

5 (At the side bar)

6 (Juror present)

7 THE COURT: Whoever we have, we'll take you one by  
8 one. Come up here if you would, sir.

9 Give me the juror number you were given downstairs.

10 JUROR: Fifty.

11 THE COURT: So on the questionnaire, your  
12 questionnaire didn't indicate that you had a hardship. What's  
13 the nature of your hardship?

14 JUROR: I just recently signed in for college, so I  
15 start the 28th.

16 THE COURT: You start where?

17 JUROR: The 28th for college.

18 THE COURT: Oh, for college.

19 JUROR: Yeah.

20 THE COURT: Where are you going to be going to  
21 college?

22 JUROR: Bronx Community College.

23 THE COURT: And are you going to be going at night or  
24 during the day?

25 JUROR: In the day.

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1 THE COURT: And when do you start?

2 JUROR: The 28th, this month.

3 THE COURT: Apart from college, is there any other  
4 issue you've got?

5 JUROR: No. Nothing else.

6 THE COURT: Okay. We're going to have you stand back  
7 to the side for a moment, okay? Let's find out what the array  
8 of issues are and let's get the next to person up, please.

9 (Juror present)

10 THE COURT: Now, you are alternate no. 4?

11 JUROR: Four.

12 THE COURT: What's your juror number?

13 JUROR: 106.

14 THE COURT: Now, you didn't fill out any hardship on  
15 the questionnaire, I don't think.

16 JUROR: No.

17 THE COURT: So what's the nature of the issue?

18 JUROR: It's, like, I'm a project manager in a hotel.  
19 We just started remodeling, renovating the hotel on the 23rd  
20 floor down. And it's just, I'm really needed to help on the  
21 job. We do a lot of renovation down in the Westin Hotel, 43rd  
22 Street, and we charge -- I'm in charge of the project.

23 THE COURT: Has your employer indicated any problem  
24 with you continuing to work if you --

25 JUROR: Yeah. She asked me when I was coming down

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1 here would I come here at night. I said no. It's too much, so  
2 I don't know. See what happens. I don't know.

3 THE COURT: She's given you an alternative where you  
4 can go in at night?

5 JUROR: No. She told me to come out at night. I have  
6 to fill out things, but still, I'm not going at night. Too old  
7 for that now.

8 THE COURT: All right. But she's not indicated that  
9 you would lose your job in any way?

10 JUROR: No.

11 THE COURT: All right. We're going to have you just  
12 step back there.

13 JUROR: All right.

14 (Juror present)

15 THE COURT: Come on up. You are 102?

16 JUROR: 102.

17 THE COURT: In the box, you are number six.

18 JUROR: I have to ask, is it four weeks you said that  
19 we have?

20 THE COURT: It could be four weeks, five weeks or even  
21 six weeks. We're not sure yet. It will be somewhere between  
22 four and six weeks.

23 JUROR: That's the reason why I'm asking, because if  
24 it's six weeks, I can't do it.

25 THE COURT: How come?

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1 JUROR: I have to go to work. Who is going to take  
2 care of my bills when I go -- when I'm not working?

3 THE COURT: Well, now what job do you have?

4 JUROR: A home health aide.

5 THE COURT: And you understand you do get a jury fee  
6 for being here? Has your employer told you that you would not  
7 get paid?

8 JUROR: I didn't ask him anything, but last time I  
9 served, they did give me money, yes. They did pay me for the  
10 day those dates.

11 THE COURT: Do you think you can serve if the trial  
12 lasts four weeks or five weeks?

13 JUROR: Yes. I'll try four weeks.

14 THE COURT: All right. So now, we can't make any  
15 promises, but most people have jobs and most people end up with  
16 a similar situation, and so we'll consider this, but almost  
17 everybody's in the same boat.

18 JUROR: Okay.

19 THE COURT: All right.

20 JUROR: All right. Thank you.

21 (Juror present)

22 THE COURT: All right. You are seated four in the  
23 box.

24 JUROR: Four.

25 THE COURT: What's your juror number?

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1 JUROR: Number 65.

2 THE COURT: What's the nature of your issue?

3 JUROR: I'm a student and I work as well. My school  
4 schedule starts January 28. It's my last semester of school  
5 and it's a clinical course. I'll need to be in school Tuesdays  
6 and Wednesdays the whole day.

7 THE COURT: What time during the day?

8 JUROR: Tuesdays, it's 6:00 to 8:40 p.m. Wednesdays,  
9 it's 8:00 a.m. to 8:00 p.m. It's a clinical day for Wednesday.

10 THE COURT: What kind of class, is it?

11 JUROR: It's a nursing course.

12 THE COURT: Is it a book course or is it a practical  
13 course?

14 JUROR: Practical.

15 THE COURT: It's a course where you're actually  
16 dealing with the people?

17 JUROR: In the hospital; yes.

18 THE COURT: Okay. Why don't you step back over there  
19 for a moment.

20 JUROR: Thank you.

21 (Juror present)

22 THE COURT: You are alternate number one?

23 JUROR: Alternate one.

24 THE COURT: What juror number are you?

25 JUROR: 61.

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Voir Dire

1 THE COURT: What's the nature of your issue?

2 JUROR: I have two things: I mean, I'm a construction  
3 company owner and I have to have payroll and all that, and I  
4 don't have anybody to cover me for that time period. Plus, I  
5 have two young children in daycare. My husband travels for his  
6 job. And I, you know, daycare closes at 6:30. I live in  
7 Westchester. It took me two and-a-half hours to get here  
8 today. I mean, I don't know what the traveling situation is  
9 going to be like. And I don't have coverage to, you know, I  
10 may not have coverage for my children at home.

11 THE COURT: In terms of the job, we're not going to  
12 sit on Fridays, so Fridays is not going to be a day when the  
13 jury is going to sit.

14 JUROR: Okay.

15 THE COURT: Almost everybody's got a job.

16 JUROR: I know, I understand that.

17 THE COURT: So we have to find a way to have people  
18 serve even when they have jobs. In terms of the childcare, we  
19 end on time every day. And if we need to make sure that -- we  
20 make sure that you're out by 5:00 on the dot and you can then  
21 head off to pick up your kids, do you think with those things  
22 you could find a way to make it work?

23 JUROR: It's hard, like, in the morning, I get up 6:30  
24 in the morning to get here at 9:00. It's a little ridiculous.  
25 I don't know. Last time we got out at 12:00 and, I mean, I

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Voir Dire

1 made it back in, like, an hour, but with the 5:00 traffic, I  
2 don't know it what's going to happen.

3 THE COURT: What we'll do is there are --

4 JUROR: And then there's an extended -- because I  
5 usually pick them up at 5:30, so I have to pay now extra money  
6 to keep them there until 6:30, and then they close at 6:30, so  
7 that's an extra expense for me, too.

8 THE COURT: I hear you. Unfortunately, your situation  
9 with childcare and with the job is no different than a bunch of  
10 folks.

11 JUROR: I understand.

12 THE COURT: And it's not that the Court isn't  
13 sympathetic to your situation; it's that we're going to try to  
14 make it work, okay?

15 JUROR: All right.

16 THE COURT: Thank you.

17 (Juror present)

18 THE COURT: Hi, there. You were in the tenth seat?

19 JUROR: Yes.

20 THE COURT: What's your juror number?

21 JUROR: 140.

22 THE COURT: And what's the nature of your issue?

23 JUROR: I have an elder parent that I see. She's in  
24 California and I'm a New York City teacher. I take my time out  
25 to go see her and I would be going in February.



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Voir Dire

1 THE COURT: What time in February?

2 JUROR: It's the week that we have off for winter  
3 break.

4 THE COURT: That would be the middle of February, the  
5 middle of the late February?

6 JUROR: Yes.

7 THE COURT: Around the President's Day weekend?

8 JUROR: Uh-huh.

9 THE COURT: Well, this case may be over by then. I  
10 can't predict it, though.

11 JUROR: I don't have a problem with serving at all. I  
12 just don't -- I'm dedicated; I need to see her. It's been a  
13 year since I've seen her, so I do have to see her.

14 THE COURT: Have you bought a ticket yet?

15 JUROR: No.

16 THE COURT: So, there are -- look, I understand about  
17 your issue and we're sympathetic to your issue. This case may  
18 go from four to six weeks, and I can't promise you it's going  
19 to be done before the six weeks is out, but we're hopeful it  
20 will come in closer to the four-week time, but we don't know.  
21 But at this point in time, there are any number of people who  
22 have got childcare issues and --

23 JUROR: I understand.

24 THE COURT: -- parent issues and things like that. So  
25 we'll be as efficient as we possibly can, but with that said,

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Voir Dire

1 is there any way that you can nonetheless serve? I'd be happy  
2 to call your school and try to get some additional time off.

3 JUROR: I just transferred to a new school, as well.  
4 That's another thing. I transferred to a different school.

5 THE COURT: I can call them saying I'm a judge.

6 JUROR: No, I would not be happy not to be able to see  
7 her.

8 THE COURT: No, I'm saying you might be able to see  
9 her but take some additional time. I would call school and get  
10 some additional time for you to see her.

11 JUROR: Oh, that would be fine, if they gave me  
12 another week to go see her.

13 THE COURT: Right.

14 JUROR: Then that's not a problem.

15 THE COURT: I would have to check that out with the  
16 school.

17 JUROR: All right.

18 THE COURT: Why don't you go back.

19 JUROR: Thank you.

20 THE COURT: Was there anybody else who had their hand  
21 up? No. All right. Thank you.

22 JUROR: Do you want me to sit down?

23 THE COURT: You can go sit down. As I understand it,  
24 we have.

25 MR. DRATEL: I thought there was one other, juror no.

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Voir Dire

1 9 who said she had an issue.

2 THE COURT: But she didn't come up when we asked.

3 MR. DRATEL: Okay.

4 THE COURT: In the Court's view, the issues come down  
5 to juror no. 4 who has got the practical nursing situation,  
6 which I think is difficult to replicate. That's juror no. 65,  
7 seated in the fourth position. And otherwise, the others I  
8 think --

9 MR. DRATEL: Juror no. 1 is a student. He's starting  
10 class on the 28th.

11 THE COURT: Starting class on the 28th.

12 MR. TURNER: We believe so, too.

13 MR. DRATEL: The only one other thing I want to ask,  
14 and I know it's a loaded question and I'm not saying if they  
15 answer yes they get excused, but just to see what their  
16 response is for our purposes in terms of evaluating down the  
17 road, ask them if it's going to have an impact on them if they  
18 serve and if they are picked and they're on the jury, to what  
19 extent are they going to be thinking about their job or their  
20 kids or things like that.

21 THE COURT: I think everybody thinks about their job  
22 and their kids all the time, so I don't want it open-ended that  
23 much, but let me do an inquiry.

24 Okay. Folks, why don't we get the first fellow over  
25 here.

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Voir Dire

1 (Juror present)

2 THE COURT: You're going to be excused.

3 JUROR: Okay.

4 THE COURT: Get your stuff and Joe will give you back  
5 your information.

6 (Juror excused)

7 (Juror present)

8 THE COURT: Sir, we're going to ask you to stay on the  
9 jury. Now, I understand your situation, and I want you to  
10 understand that the Court is very mindful of the fact that you  
11 have a job that you want to be at and that you've got this  
12 remodeling project, but we have a lot of people out there who  
13 have jobs and it's not so very different from a lot of them are  
14 going through.

15 With that said, do you think that you'd be able to  
16 serve on this jury in a fair and impartial way even though the  
17 Court has heard your request to be excused?

18 JUROR: Yeah, why not? Yeah.

19 THE COURT: Thank you, sir.

20 (Juror present)

21 THE COURT: You're going to be excused and you can get  
22 your paperwork from Joe.

23 JUROR: Thank you.

24 (Juror excused)

25 MR. DRATEL: That was 140 -- no, 165? That was juror

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Voir Dire

1 no. 4.

2 THE COURT: I think we're all set. Thank you.

3 (In open court)

4 THE DEPUTY CLERK: Prospective juror no. 1, juror no.  
5 136, 136.

6 THE COURT: As 136 is coming up filling in the first  
7 spot, let me say that those of you who spoke to us over here  
8 and didn't get excused, we heard you. And for anybody else,  
9 once you come in because we're now going to be filling in some  
10 spots, in terms of the four- to six week period of time, look,  
11 I understand that it's very inconvenient for some people, but I  
12 want to make sure that if you believe you have a hardship, it's  
13 a true hardship, not just a job that you would rather be at  
14 than being here, something where it's really going to present  
15 an insurmountable issue. And if you need me to call somebody,  
16 that's what I'm here for. I'm a public servant. I'm happy to  
17 call somebody for you.

18 So when you're contemplating whether or not you raise  
19 an issue, keep that very much in mind and only raise the issue  
20 if you really need to.

21 THE DEPUTY CLERK: Prospective fourth juror, juror no.  
22 33, 33. Number 33, take the fourth seat, the empty one in the  
23 first row.

24 THE COURT: Prospective juror no. 1 and I know you  
25 have two numbers, everybody gets two numbers, one in the box

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Voir Dire

1 and one elsewhere, where there any questions which I asked so  
2 far to which you would have had a yes answer?

3 JUROR: No.

4 THE COURT: Thank you, sir.

5 Prospective juror no. 4?

6 JUROR: Yes.

7 THE COURT: Were there any questions that I asked in  
8 which you would have had a yes answer?

9 JUROR: Yes.

10 THE COURT: Which ones?

11 JUROR: It was early on around the third question, I  
12 believe. It had to deal with the things that were on the  
13 website that he was selling. The number one problem I have is  
14 I'm an educator, I'm a teacher. I have a problem with the fact  
15 he was selling fake IDs and my students can possibly purchase  
16 that. It is a problem.

17 THE COURT: Let me sort of have you think about this,  
18 which is I want everybody to be absolutely clear that these are  
19 allegations only. The fact of the indictment does not mean  
20 that the defendant has done anything at all. He is presumed  
21 innocent, and it's just the nature of the charges.

22 So the question is going to be when the evidence comes  
23 in, can you look at the evidence in a fair way and say, hey,  
24 does this evidence meet the elements of the crime in terms of  
25 the law as the Court instructs you.

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Voir Dire

1           If you think just the nature of the charges cause you  
2       bias, I need to know about it. If you think you can listen to  
3       the evidence fairly and impartially, tell me that.

4           JUROR: I find some bias in it; yes.

5           THE COURT: You are excused, sir. Thank you very  
6       much. Let's fill in the fourth spot again, and I appreciate  
7       your honesty.

8           THE DEPUTY CLERK: Prospective fourth juror, juror no.  
9       135, 135. Juror no. 135, please take the seat that was  
10      vacated.

11          THE COURT: Prospective juror in the fourth seat, were  
12      there any questions that I asked to which you would have had a  
13      yes answer?

14          JUROR: Yes. The one about commuting, is it four- to  
15      six weeks? I live in Rockland County, Valhalla, New York, and  
16      it's difficult getting over here.

17          THE COURT: Unfortunately, in the Southern District,  
18      we draw from that area all the time, and the requirement to  
19      serve on a jury is equally applicable to folks up in Rockland  
20      as it is to people who are in Westchester as to people in  
21      Manhattan. So that in and of itself wouldn't be a reason to  
22      get off, all right?

23          JUROR: All right.

24          THE COURT: With that said, would you be able to put  
25      any annoyance that you have aside when you're contemplating the

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Voir Dire

1 evidence, would you be able to look at the evidence and be able  
2 to evaluate the charges based on the evidence?

3 JUROR: Okay.

4 THE COURT: Thank you.

5 Let's go on now. In a moment, I'm going to ask that  
6 the counsel for the parties introduce themselves and the other  
7 folks at their table, and I'm going to ask you if you know of  
8 any of these people. And I'm going to ask also you folks at  
9 the table to turn around because I want the folks out there  
10 behind you to be able to see your faces.

11 Mr. Turner, why don't you introduce yourself, others  
12 at your table and have everybody turn around.

13 MR. TURNER: My name is Serrin Turner. I represent  
14 the United States in this matter. My colleagues are Assistant  
15 U.S. Attorney Timothy Howard, FBI Special Agent Vincent  
16 D'Agostino and two paralegals on the case, Nicholas Evert and  
17 Molly Rosen.

18 THE COURT: Thank you. Does anybody in the jury box  
19 know any of the folks at the government's table?

20 Mr. Dratel.

21 MR. DRATEL: Thank you. Good morning. I'm Joshua  
22 Dratel. I represent Mr. Ulbricht. I'll let them introduce  
23 themselves, as well, the lawyers at the table.

24 MS. LEWIS: I'm Lindsay Lewis. I represent Ross  
25 Ulbricht.



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Voir Dire

1 MR. HOROWITZ: Josh Horowitz. I represent Ross  
2 Ulbricht.

3 MS. MARINO: Linda Marino here on behalf of  
4 Mr. Ulbricht.

5 MR. DRATEL: And Mr. Ulbricht is here as well.

6 THE COURT: Ladies and gentlemen, does anybody know  
7 any of the individuals at the defense table?

8 I'm going to read you certain names of potential  
9 witnesses here or individuals whose names may come up during  
10 the trial just, because you know an individual by this name  
11 doesn't mean you know the individual I'm talking about. We'll  
12 take it step by step.

13 The first name I'm going to spell for you after I try  
14 to pronounce it, but it's a bit difficult is Jared  
15 Der-Yeghiayan D-E-R Y-E-G-H-I-A-Y-A-N. Raise your hand if you  
16 know any of these folks. Thomas Kiernan, K-I-E-R-N-A-N; Gary  
17 Alford, A-L-F-O-R-D; Darren Critten, C-R-I-T-T-E-N; Ilhwan Yum,  
18 I-L-H-W-A-N Y-U-M; Benedikt Grundal, B-E-N-E-D-I-K-T.

19 MR. TURNER: I believe we have a more up-to-date  
20 witness list.

21 THE COURT: All right. I always like up-to-date  
22 witness lists.

23 MR. TURNER: Just for the record, Mr. Critten, I  
24 believe, is Diron Critten, not Darren.

25 THE COURT: It was Darren Critten on the new list.

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Voir Dire

1 MR. TURNER: That's a mistake, your Honor.

2 THE COURT: The next name is Christopher Beeson,  
3 B-E-E-S-O-N; Richard Bates, B-A-T-E-S; Michael Duch, D-U-C-H;  
4 Andrew Michael Jones; Brian Shaw, along with the others that I  
5 have read. All right.

6 Now, has anybody had any direct or indirect dealings  
7 with any of those people, even if you don't know them or  
8 wouldn't think you have a personal relationship with any of  
9 them? Do you know them at all? No? All right.

10 Now, I'm going to ask you some questions that also  
11 relate not just to you but also to direct family members, close  
12 relatives or associates. So if you know somebody who is very  
13 close to you who would answer yes to this question, then I want  
14 you to answer it yes.

15 Has any juror had any dealings with or been employed  
16 by the U.S. Attorney's Office or federal, state or local law  
17 enforcement?

18 We have number seven, number nine, alternate one. No.  
19 7, 9, and alternate no. 1. Anyone else?

20 Number seven, who is related to whom or who knows  
21 whom?

22 JUROR: My son works for the federal government.

23 THE COURT: And what agency does he work?

24 JUROR: TSA, Homeland Security.

25 THE COURT: Do you know his job title?

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Voir Dire

1 JUROR: Yes. Special agent in charge.

2 THE COURT: And is he involved with cyber crime at  
3 all, do you know?

4 JUROR: No.

5 THE COURT: Is there anything about your son's  
6 employment by the TSA that makes you feel that you could not be  
7 fair and impartial in this case?

8 JUROR: No.

9 THE COURT: Is there anyone else that you wanted to  
10 raise?

11 JUROR: No.

12 THE COURT: Prospective juror no. 9, who do you know?

13 JUROR: My daughter.

14 THE COURT: What is her position?

15 JUROR: She's a police officer.

16 THE COURT: NYPD?

17 JUROR: Yes.

18 THE COURT: And is she on any special task forces here  
19 in the city?

20 JUROR: No.

21 THE COURT: Is she on street patrol?

22 JUROR: Yes.

23 THE COURT: Is there anything about your daughter's  
24 position in law enforcement that makes you feel that you could  
25 not be fair and impartial in this case?

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Voir Dire

1 JUROR: No.

2 THE COURT: Alternate no. 1 number one, who do you  
3 know?

4 JUROR: I have two cousins that are police officers in  
5 the Ossining Police Department, as well as many friends and  
6 acquaintances also in the Ossining Police Department.

7 THE COURT: So you know a lot of folks from the  
8 Ossining Police Department?

9 JUROR: Yes.

10 THE COURT: Is there anything about the fact that you  
11 know people in the police department of Ossining that makes you  
12 feel that you could not listen to the evidence in this case and  
13 be fair and impartial in this case?

14 JUROR: No.

15 THE COURT: Anyone else that I missed? Yes. Number  
16 eight?

17 JUROR: My sister is a federal probation officer in  
18 Brooklyn.

19 THE COURT: Anyone else?

20 JUROR: My ex-husband is a retired sergeant with the  
21 NYPD.

22 THE COURT: Is there anything about either your sister  
23 or your ex-husband's employment that makes you feel you could  
24 not be fair and impartial in this case?

25 JUROR: No.

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Voir Dire

1 THE COURT: Does any juror have any close friends or  
2 do they themselves work as a prosecutor, a criminal defense  
3 lawyer or a private investigator? Yes, number one.

4 JUROR: Yes.

5 THE COURT: And what, is it you or your close friends?

6 JUROR: Close friends.

7 THE COURT: What position do they have?

8 JUROR: Criminal defense lawyer.

9 THE COURT: And are they here in New York City?

10 JUROR: Yes.

11 THE COURT: And do they deal with any particular type  
12 of case or all manner of cases?

13 JUROR: All manner of cases, I think.

14 THE COURT: They deal with drug cases, assaults, the  
15 run-of-the-mill, everything?

16 JUROR: Yes.

17 THE COURT: All right. How close a friend is this?

18 JUROR: Very close, very good.

19 THE COURT: Somebody you see a lot?

20 JUROR: Yes.

21 THE COURT: On a weekly basis?

22 JUROR: Yes.

23 THE COURT: Would you be able to, during the course of  
24 this trial, not share with that friend anything at all about  
25 this case?

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Voir Dire

1 JUROR: Absolutely.

2 THE COURT: And is there anything about your friend's  
3 position as a criminal defense attorney that makes you feel  
4 that you would be biased either against the government or  
5 against the defendant in listening to the evidence in this  
6 case?

7 JUROR: No.

8 THE COURT: Do you believe you could be fair and  
9 impartial?

10 JUROR: Yes.

11 (Continued on next page)

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Voir dire

1 THE COURT: All right. Anybody else? All right.

2 Now, has any juror or any of your close friends or  
3 associates been involved in any offense of the type that has  
4 been charged in the Indictment here?

5 Now, have any of you been the victim of computer  
6 hacking or identity theft?

7 All right. Now, some witnesses for the government may  
8 have past criminal convictions or may have been involved in  
9 some of the crimes charged in the Indictment. Those witnesses  
10 have pled guilty and are testifying pursuant to lawful  
11 cooperation agreements. Some of these witnesses may be hoping  
12 that their cooperation will result in a reduced sentence or  
13 some benefit. There is nothing unlawful about the government's  
14 use of such witnesses. Do any of you have any problems with  
15 that type of witness that would make you unable to be fair and  
16 impartial in this case?

17 Now, some of the evidence in this trial will come in  
18 in the form of data obtained via pen registers or track and  
19 trace devices which are used to monitor electronic  
20 communications. This data was intercepted without the  
21 defendant's consent. I instruct you now that this type of  
22 evidence does not violate the rights of the defendant and that  
23 it is perfectly proper for this type of evidence to be  
24 introduced at this trial for your consideration.

25 With that in mind, do you have any feelings about the

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Voir dire

1 use of pen registers or track and trace devices or other forms  
2 of electronic surveillance that would make it difficult for you  
3 to consider such evidence fairly and impartially in this case?

4 Now, some of the evidence in this case may also come  
5 from searches performed by law enforcement officers. I  
6 instruct you that these searches were legal and that the  
7 evidence obtained from those searches is admissible in this  
8 case, if a proper foundation is laid.

9 Does anyone have any strong feelings about searches  
10 conducted by law enforcement officers, or the use of evidence  
11 obtained from such searches at trial, that would make it  
12 difficult for you to be fair and impartial in this case?

13 All right. Now, under our system of law, the facts  
14 are for the jury to decide and the law is for the Court. These  
15 two areas are separate and distinct. At the end of the case it  
16 is the judge's job to instruct the jury on the law, and you are  
17 required to accept the law as I explain it to you. It is the  
18 jury's job to determine the facts, using the Court's  
19 instructions on the law. Is there any prospective juror who is  
20 either unwilling or unable to apply the law as the Court would  
21 explain it to you?

22 Now, the law provides that only evidence presented  
23 here in court may be used by you to determine guilt or  
24 innocence of the defendant. Is there anyone who would have  
25 difficulty with that instruction?



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Voir dire

1           Now, under our system of laws, every defendant is  
2       presumed innocent and he cannot be found guilty unless a jury,  
3       having heard all of the evidence in the case, unanimously  
4       decides that the evidence proves his or her guilt beyond a  
5       reasonable doubt. Is there anyone who has any difficulty  
6       accepting that law?

7           Now, it is not pleasant duty to find another  
8       individual guilty of committing a crime. Is there any juror  
9       who feels that even if the evidence established the defendant's  
10      guilt beyond a reasonable doubt that he or she may not be able  
11      to render a guilty verdict unrelated to the law or the  
12      evidence?

13          Now, will each juror accept the proposition of law  
14      that the question of punishment is for the Court alone to  
15      decide and that possible punishment must not enter into the  
16      deliberation of the jurors as to the guilt or the innocence of  
17      the defendant? Anyone can't accept that?

18          Now, the defendant is not required to call any  
19      witnesses or to produce any evidence or to take the stand. If  
20      the defendant elects not to take the witness stand, you may  
21      draw no unfavorable inference of any kind from the fact that he  
22      has chosen not to do so. That may not enter into your  
23      decision. Is there any juror who would be unable to accept and  
24      follow that instruction?

25          Now, I have tried to direct your attention to possible

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Voir dire

1 reasons why you might not be able to sit as a fair and  
2 impartial juror. Apart from your answer to any question, I  
3 want you now to ask yourself is there any fact, circumstance,  
4 opinion, impression, attitude that you have, personal  
5 experience that you may have that you believe would prevent you  
6 if you're accepted as a juror in the trial of this case from  
7 listening to the evidence with an open mind and deciding every  
8 issue fairly and impartially solely upon the evidence as you  
9 hear from the witnesses and in accordance with the Court's  
10 instructions of the law? Is there anything else you need to  
11 tell me that would make you unable to be fair and impartial?

12 All right. Now we are going to go on to the next  
13 step, which is called peremptories.

14 Now, I want to just tell you -- let me do the  
15 questionnaires first. Before we get to the peremptories, you  
16 will tell us a little bit about yourself. But let me tell you  
17 about the peremptory process. There will undoubtedly, I  
18 guarantee it, be some of you in the back who are going to fill  
19 in up here, because after the folks in the box have an  
20 opportunity to tell us a little bit about themselves, which  
21 comes from just answering some of the questions on that final  
22 questionnaire that you got handed this morning, after you have  
23 done that, we'll have you stand up one by one. Then there will  
24 be an opportunity for the government and the defense to give  
25 Post-Its to us and certain of you will be asked -- you will be

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Voir dire

1 excused. You should not think twice about why. You will just  
2 take your card from Joe and you will return to the room and  
3 another name will be spun out of this big old box here and that  
4 person will be called into the box. Do not think twice about  
5 it.

6 All right. So we are going to start with number one  
7 and I'm going to ask you to take that --

8 MR. DRATEL: Your Honor, one moment.

9 (Pause)

10 MR. DRATEL: Just one moment, your Honor.

11 THE COURT: Sure.

12 (Pause)

13 THE COURT: You can turn over your bio questions  
14 there, and we will have each of you stand up and tell us a  
15 little bit about you.

16 MR. DRATEL: Just one thing.

17 THE COURT: You want a brief sidebar?

18 MR. DRATEL: Yes.

19 THE COURT: Let's have a brief sidebar while you folks  
20 are looking at your bio questions and we will make it quick.

21 (Continued on next page)

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Voir dire

1 (At the sidebar)

2 MR. DRATEL: I checked with my co-counsel just to be  
3 sure I didn't miss it, but I don't think the Court asked some  
4 questions about credibility in terms of law enforcement. We  
5 have a number of law enforcement officers testifying.

6 THE COURT: I believe we asked that in the juror  
7 questionnaire but let me ask.

8 MR. DRATEL: I don't think so, no.

9 THE COURT: No? I am happy to ask it again.

10 MR. DRATEL: It was not in the questionnaire.

11 THE COURT: I will do it as for or against law  
12 enforcement.

13 MR. DRATEL: Yes.

14 THE COURT: Anything else? OK. Thank you.

15 (In open court)

16 THE COURT: One more question, ladies and gentlemen,  
17 which is there are going to be a number of witnesses  
18 potentially from law enforcement. And does any prospective  
19 juror believe that he or she would be biased for or against the  
20 testimony of a law enforcement witness just because they are  
21 from law enforcement?

22 (Pause)

23 In other words, will you give the police more  
24 credibility or less credibility just by virtue of them being  
25 the police or the DEA or other law enforcement?

F1ddulbv2

Voir dire

1 All right. Thank you.

2 Now, let's start with juror number one. Why don't you  
3 tell us a little bit about yourself, sir?

4 JUROR: Do I have to stand.

5 THE COURT: Please stand up.

6 JUROR: My name is my (unintelligible). I am a  
7 retired ambulatory surgery coder --

8 THE COURT: Let me just say that you don't have to say  
9 your number because we know what position you are in. So you  
10 could say your juror number. That is an easier way than having  
11 people have to go through all of that. Go ahead, sir.

12 JUROR: I am a retired ambulatory surgery coder at  
13 Mount Sinai Hospital. I have been retired for almost two  
14 years. I reside in Harlem.

15 What else?

16 THE COURT: And are you married or significant other?

17 JUROR: Significant other.

18 THE COURT: Any kids?

19 JUROR: Five kids.

20 THE COURT: What does your spouse or significant other  
21 do?

22 JUROR: She is a nursing dispatcher at Montefiore  
23 Hospital.

24 THE COURT: And are your kids grown?

25 JUROR: Yes.

F1ddulbv2

Voir dire

1 THE COURT: What do they do?

2 JUROR: One is a pharm D in Maryland. He works for  
3 the federal FDA. And my other son is a teacher, private  
4 schoolteacher. And that's it, basically.

5 THE COURT: All right. And do you read any newspapers  
6 or periodicals on a regular basis?

7 JUROR: I read a lot, yes. I read The Times and a lot  
8 of history. I read a lot.

9 THE COURT: All right. Any TV shows you watch on a  
10 regular basis?

11 JUROR: Not really, just mainly the news.

12 THE COURT: OK. Thank you.

13 Number 2.

14 JUROR: Hi. I'm 42 years old. I live in the Bronx.  
15 I live with my husband and two children. I'm a high school  
16 guidance counselor. I have worked for the New York City  
17 Department of Education for 20 years.

18 My husband is -- he is a delivery driver for a bakery  
19 and he is a painter. My eldest is 23 and he works for  
20 JPMorganChase.

21 I have a master's in history and a master's in  
22 guidance and counseling. And in my spare time I read, I cook.

23 Magazines and newspapers, I don't really read -- not  
24 on a regular basis. I don't read -- I usually -- CNN or maybe  
25 I will read The Times on the Internet but that's about it.

F1ddulbv2

Voir dire

1 And television programs, Modern Family. I like to  
2 watch Reliable Sources and GPS on the weekends. That is about  
3 it.

4 THE COURT: Your son, is he on the banking side or  
5 some other area?

6 JUROR: He is doing data entry. He just started. He  
7 just graduated last May. It is very low level.

8 THE COURT: Thank you. Number 3.

9 JUROR: I'm 31 years old and I lived in New York all  
10 my life. I live in Yonkers, although I lived in the Bronx most  
11 of my life. And I reside with my sister.

12 For the last five years I have been working as a  
13 social worker. And I have an ex-wife. She is a school  
14 administrator with CUNY. I have a two-year-old daughter.  
15 Highest level of education right now is I'm pursuing my  
16 master's degree in social work.

17 I don't really have a lot of spare time. I spend most  
18 of my time with my daughter. I don't really read newspapers or  
19 magazines and I don't really own a television so I don't watch  
20 TV either.

21 THE COURT: What does your sister do? Is she  
22 employed?

23 JUROR: She is a personal trainer.

24 THE COURT: In terms of your social work, are you  
25 specializing in any particular area?

F1ddulbv2

Voir dire

1 JUROR: Right now just clinical-based work and my grad  
2 school studies, and at work I work with mental health and  
3 youth.

4 THE COURT: Thank you, sir.

5 Number 4.

6 JUROR: Hi. I'm 29 years old. I'm from Rockland  
7 County, born and raised in Nyack, New York. I live in Spring  
8 Valley now.

9 For the past five years I have been working for  
10 Rockland Orthopedics, which is in Suffern.

11 I am not married, no kids. I have a boyfriend who  
12 works for -- he is an exterminator.

13 Education, I went to medical -- I completed medical  
14 billing and coding in White Plains at Berkeley -- I'm sorry, at  
15 Stamford. In my spare time, I don't know, hang with friends,  
16 things likes that.

17 Magazines, I don't really read newspapers, no. And  
18 TV, not really. I listen to a lot of music.

19 THE COURT: All right. Thank you. Number 5.

20 JUROR: I am 51 years old. I live in the United  
21 States for 44 years. I live in Manhattan, in Murray Hill. I  
22 work in the television industry. I am the president and  
23 general manager of a TV channel called Cooking Channel. I  
24 worked there for 17 years.

25 I am married to my wife, who I live here in the city



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Voir dire

1 with. We do not have any children. My wife works in Social  
2 Services. She is an executive for a nonprofit. And I have a  
3 MBA in marketing and finance, and in my spare time I like  
4 cycling, playing guitar, taking classes online. I watch a lot  
5 of television but that doesn't pay the bills, and that is it.

6 THE COURT: All right. In terms of the social  
7 services that your wife does, does she concentrate in any  
8 particular area?

9 JUROR: In low income housing and shelters.

10 THE COURT: Thank you.

11 All right. Number 6.

12 JUROR: I'm 65 years old. I live in the Bronx. I'm a  
13 home health aide. I work for the Bronx Home Attendant Service.  
14 I am a widow. I have three adult children. One is a  
15 carpenter. One is a teacher. One is a college student looking  
16 for a job.

17 In my spare time I go to church. I read my Bible. I  
18 watch television and the news.

19 THE COURT: All right. Thank you.

20 Number 7.

21 JUROR: I am 47 years old. I live in Westchester  
22 County, Bronxfield. My granddaughter lives with me while she  
23 is attending college. I am single. And I am a retired chief  
24 radiation therapist at one of the hospitals here in Manhattan.

25 And in my spare time I like to cook, go to the gym and

F1ddulbv2

Voir dire

1 read.

2 THE COURT: What do you read?

3 JUROR: I read like daily words. I am reading the  
4 Bible in chronological order and magazines. I like magazines.

5 THE COURT: All right. Thank you.

6 JUROR: Sure.

7 THE COURT: Number 8.

8 JUROR: I am juror number 143. I am 47 years old. I  
9 was born and raised in New York City. I live in Rockland  
10 County with my ex-husband and my son and my daughter. My  
11 daughter is a student at -- a junior at Boston University, and  
12 my son is a senior at Tapanzee High School in Rockland County.

13 I have been employed for almost eleven years -- I am  
14 the executive assistant to a CEO for a company in Orangeburg.  
15 We manufacture shelters for the military. It is in Orangeburg.  
16 I still live with my ex-husband.

17 And that is it. I work fulltime.

18 THE COURT: All right. Do you read anything on a  
19 regular basis?

20 JUROR: Just the Huffington Post and things like that.

21 THE COURT: Any TV that you watch regularly?

22 JUROR: Just, you know, a lot of entertainment news  
23 and Shopping Network.

24 THE COURT: All right. Thank you.

25 JUROR: You are welcome.

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Voir dire

1 THE COURT: Number 9.

2 JUROR: I'm 49 years old. I live in Harlem. I've  
3 lived in New York all my life. I am a 911 operator for the  
4 past 20 years. Not married. I have three adult children and  
5 one 10-year-old. The oldest --

6 THE COURT: What do your adult kids do?

7 JUROR: My oldest daughter, she is a doctor. My  
8 oldest son, he just started working at Morgan Stanley. And my  
9 third oldest son, he lives in Pennsylvania with his father.  
10 And then the 10-year-old is in junior high school.

11 So I have taken online courses at the University of PA  
12 in Human Resources, and in my spare time I spend it with my  
13 family, church and movies, dinner. That is about it.

14 I do read certain magazines, Essence, Money Magazine,  
15 Triple A, and I watch the news and some children's shows with  
16 my son.

17 THE COURT: All right. And then your child, I think  
18 you said it was your son at Morgan Stanley?

19 JUROR: Right.

20 THE COURT: Is he in the banking area --

21 JUROR: No. He works in the gym area.

22 THE COURT: All right. And we talked about your  
23 daughter at the NYPD before?

24 JUROR: Right.

25 THE COURT: That was the one you mentioned earlier?

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Voir dire

1 JUROR: Right.

2 THE COURT: All right. Thank you.

3 Number 10.

4 JUROR: I'm juror 140. I am a teacher. I worked for  
5 the DOE for over 20 years. I am born in California but I lived  
6 in New York for the last 28 years. I live in Upper West Side.  
7 My husband is involved with the restaurants. He is a  
8 consultant.

9 I have four children. The oldest is in logistics in  
10 California. A daughter is a baker in Oregon. My son is an EMT  
11 for NYFD, and my youngest son is a college student taking a  
12 year off. And I am not really a big TV watcher. I watch some  
13 news, Jeopardy. I read mostly all educational things. I study  
14 French. I speak Spanish. I have two master's degrees.

15 THE COURT: What are your master's degrees in?

16 JUROR: Education, reading, early childhood.

17 THE COURT: All right. Thank you.

18 Number 11.

19 JUROR: Hello. I'm 64 years old. I live in  
20 Manhattan. I live with my two children. The first one is  
21 working in business and makes her own jewelry, and my youngest  
22 one doing -- she is with a designer.

23 And in my spare time I watch game shows and I go to  
24 church and I help young children in church.

25 THE COURT: All right. Thank you. And, I'm sorry,

F1ddulbv2

Voir dire

1 did you say what your job was?

2 JUROR: Certified nursing assistant.

3 THE COURT: All right. Thank you.

4 OK. Number 12, please, sir.

5 JUROR: Hi. I am 49 years old. I have been in the  
6 United States all my life. I currently live in the Bronx.  
7 Presently I live with my mother, brother and grandmother, and I  
8 am going through a divorce.

9 Over the last five years, I have been an IT, an HR  
10 manager for the company. I have been there for like 27 years.

11 My ex-wife, she is a registered nurse. She works in a  
12 hospital.

13 My children are small. I have a daughter who is 13  
14 and a son, he is 9. I have a bachelor's degree in computer  
15 science. In my spare time I play with the computer, listen to  
16 music. I don't read any newspapers. Everything is done  
17 electronically. And I don't watch TV, really. I don't really  
18 have any time so mostly on the computer.

19 THE COURT: All right. Thank you.

20 Alternate Number 1.

21 JUROR: Hi. I am 39 years old. I live in  
22 Westchester. For over 16 years now, I have been the owner of a  
23 construction company with my brother. I live with my husband  
24 and my two small children, who are 2 and 3. And I have a  
25 master's -- I'm sorry, I have a bachelor's degree in business

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Voir dire

1 management. I don't have much spare time with the two children  
2 but when I do, I like to read, mostly novels, and I do like to  
3 read magazines. I do have a subscription to People Magazine.  
4 Newspapers, I do read regularly at work. We get the newspaper  
5 every day.

6 THE COURT: What kind of newspaper, which ones?

7 JUROR: We get The Times and they also get the  
8 Westchester Journal.

9 And as for television, I watch kids shows or whatever  
10 else I can watch. I watch a lot of Netflix also.

11 THE COURT: Thank you.

12 Alternate number 2, sir.

13 JUROR: I'm 56 years old. I've lived in the United  
14 States, I was born here, lived here all of my life. I live  
15 here also in Manhattan all my life.

16 I work as a doorman, night shift. I work for a  
17 company called PNG, who owns the building. I have worked there  
18 17 years. I live alone. I am not married. And no children.

19 And in my spare time I catch up on some sleep because  
20 I work the night shift, but when I am awake I watch a lot of  
21 television, mostly like the History Channel, the TMC, Turner  
22 Movie Classics, because I love old movies, and then Science  
23 Channel.

24 As to reading, I am not much on newspapers and  
25 magazines. I also like to read mysteries and scary stories.

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Voir dire

1 And that's about it.

2 THE COURT: All right. Thank you.

3 Alternate number 3, sir.

4 JUROR: Hi. I'm 67 years old. I live in Westchester  
5 County. For the last 25 years I lived with my wife and my  
6 15-year-old son. Presently employed for a construction  
7 management firm for the last 38 years. Finished just  
8 12th grade. I like to work around the house. Try to keep up  
9 with the 13-year-old. That is my weekend.

10 I love to read, work on the house, and take care of  
11 three dogs and three cats.

12 THE COURT: What kind of things do you read?

13 JUROR: Mostly best seller list or history, and  
14 attempt to read the Sunday Times if I have time.

15 THE COURT: Thank you. What does your wife do?

16 JUROR: She is a stay-at-home mom but she is a CPA.

17 THE COURT: Thank you.

18 Alternate number 4.

19 JUROR: Good morning. My name is (unintelligible). I  
20 was born in the Carolinas. I have been living here 17. 64  
21 years old. I work at the Plaza Hotel for 32 years, and I work  
22 at the Westbrook now for nine years. I am married for 40  
23 years. And my wife, she works for like a law firm. It is not  
24 a law firm. She is a secretary, like writes all the  
25 information.

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Voir dire

1           And I am married. I have two kids. I've got a boy  
2           and a girl. My daughter, she went to university. She is  
3           working here as a manager, and now she works as a manager here  
4           on 23rd Street Housing here and now she is pregnant. She is an  
5           at-home mom -- going to be a mom soon. And my son is in his  
6           30s and he is incarcerated now. And he is 37 years old.

7           THE COURT: Is there anything about your son's  
8           experience with the criminal justice system that makes you feel  
9           that you couldn't be fair and impartial in this case?

10          JUROR: No. What happened in this case is totally  
11          different from that case, which maybe I think is good. But  
12          there is nothing more I could say. Because is was with  
13          somebody and picked up at a crime scene and like that was his  
14          involvement in it. One jury found him innocent and he has been  
15          in New Jersey.

16          THE COURT: OK. So we will take that in just a  
17          moment. OK? Actually, why don't we just have a sidebar to  
18          discuss that other issue.

19          Was there anything else? Do you read anything on a  
20          regular base?

21          A. No. I would say I watch TV. Mostly Sapphire, Chicago  
22          Police, those kinds of pictures.

23          THE COURT: Thank you. Why don't you come on down and  
24          we will just take up one issue.

25          (At the sidebar)



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Voir dire

1 THE COURT: OK. I couldn't quite hear. What was the  
2 nature of the charge against your son?

3 JUROR: He went to New Jersey to pick up a friend and  
4 the friend committed a crime. And so he went to court in  
5 Jersey, and they found him innocent, the jury. And then the  
6 other defendant went to trial, and under New Jersey law if he  
7 is found guilty, he will be trial over again. They tried him  
8 over and they found him guilty. You know, it was like weird.  
9 The first jury found him innocent.

10 THE COURT: So is there anything about your -- was  
11 there any drugs involved in that issue?

12 JUROR: No. It was a home invasion or something.  
13 Then when picked the guy up, they arrested him, too.

14 THE COURT: Now, it sounds like your son had an  
15 experience with juries. Is there something about that  
16 experience -- anything about that experience that makes you  
17 feel that you couldn't be fair and impartial in this case?

18 JUROR: It is New Jersey law but I don't know why the  
19 first jury find him innocent and they find him guilty, the  
20 second jury. I don't understand that.

21 THE COURT: Do you think that that would make you  
22 biased in some way either in favor of or against defendants in  
23 criminal cases here?

24 JUROR: I don't like too much -- I'm not too familiar  
25 with computers and stuff like that so I don't -- I couldn't

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Voir dire

1 hear, you know what I am saying. He is right now at Rutgers  
2 University Law School.

3 THE COURT: Let me just speak with counsel for a  
4 moment. Why don't you step over there.

5 JUROR: OK.

6 (Prospective juror not present)

7 THE COURT: I can't understand enough about what he is  
8 saying to quite get whether or not there is an issue here or  
9 not. It sounds likes he is suggesting that there may not be an  
10 issue, but he sounds like also, on the other hand he is  
11 suggesting that he has had experience with the jury system and  
12 he didn't quite understand.

13 Do counsel have any particular views about this? The  
14 fact that he isn't articulate doesn't mean that he can't serve  
15 as a juror.

16 MR. DRATEL: I think his answers with respect to this  
17 case, that is different, and that he made a distinction.

18 MR. TURNER: I guess I was a little troubled that he  
19 wasn't able to give a clear answer to your Honor's question  
20 about whether he has a bias.

21 THE COURT: Let me ask one more question and then just  
22 let him go back.

23 (Prospective juror present)

24 THE COURT: OK. So in this case there is going to be  
25 evidence that will be presented, and as a member of the jury

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Voir dire

1 you will be asked to evaluate that evidence as to this  
2 particular defendant. Do you think that given all your  
3 experiences in life and also with your son --

4 JUROR: I do it like three or four times.

5 THE COURT: -- do you think you could be fair and  
6 impartial?

7 JUROR: Yes.

8 THE COURT: OK. Thank you.

9 (In open court)

10 THE COURT: All right. Ladies and gentlemen, what we  
11 do next, we go to that peremptory round. Now, there are --  
12 just to get yourselves prepared, there are six rounds for the  
13 peremptories as we get to the 12. So right now, just to be  
14 clear, we are only -- the peremptories are only against the  
15 first 12. We will have a separate round that I will then make  
16 clear to everybody against the four. So the four of you up  
17 there, your names aren't going to be called. Your numbers  
18 aren't going to be called right now because we are going to do  
19 the alternates separately.

20 All right. So why don't you folks get your Post-Its  
21 in line.

22 MR. DRATEL: Could we take a short break, your Honor,  
23 so we can discuss --

24 THE COURT: We are going to. We are going to go right  
25 on through. You all can gather around each other. It is just

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Voir dire

1 the just the way we did it before.

2 MR. DRATEL: As you know, your Honor, there is a lot  
3 to it in terms of figuring out the composition.

4 (Pause)

5 THE COURT: All right. We will do another minute and  
6 then we will collect the Post-Its.

7 (Pause)

8 All right. Let's hand up the Post-Its now.

9 THE CLERK: Jurors number 102, 154 and 143,  
10 corresponding seats 6, 7 and 8.

11 THE COURT: All right. Ladies and gentlemen, what  
12 we're going to be doing now is calling three of you from the  
13 back, and you will then fill in the spots for in spots 6, 7 and  
14 8, and I will be asking you if you would have answered "yes" to  
15 any of the questions which I previously asked and then also to  
16 give a brief bio.

17 OK, Joe. Let's call 6, 7 and 8 to fill in those  
18 spots.

19 THE CLERK: Potential juror number 6, juror number  
20 155. 155. Will you please take the last seat in the first  
21 row.

22 Potential juror number 7, juror number 43 --  
23 four-three -- number 43, will you please take the first seat in  
24 the second row closest to me. It might make it easier, sir, if  
25 you would like to walk around here that way.

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Voir dire

1 And potential juror number 8, juror number 171,  
2 one-seven-one. 171, please take the second seat in the second  
3 row.

4 THE COURT: All right. Prospective juror number 6  
5 down there in the first row, were there any questions that I  
6 had asked before that you would have given a "yes" answer to?

7 JUROR: Please repeat number one.

8 THE COURT: The very first question I asked, yep.

9 Does any juror have any personal knowledge or  
10 knowledge from other sources of the charges in the Indictment  
11 against the defendant?

12 JUROR: No.

13 THE COURT: Do you know anything about that?

14 JUROR: No.

15 THE COURT: Are there any other questions that you  
16 would like to have repeated or that you think you would have a  
17 yes answer to?

18 JUROR: No.

19 THE COURT: All right. Do you want to stand up and  
20 tell us a little bit about yourself?

21 JUROR: I'm 20 years old. I lived in this country for  
22 20 years. I live in the Bronx, New York, with my parents. I  
23 am currently a student at FIT. Never been married. Don't have  
24 kids. In my spare time I read a lot, like Complex magazine. I  
25 do not read the newspaper. I watch some TV, mostly movies on

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Voir dire

1 Netflix.

2 THE COURT: What kind of magazines do you read?

3 JUROR: Complex.

4 THE COURT: Which newspapers do you read?

5 JUROR: I don't read no newspapers. I also do some  
6 ice skating. I play baseball back then, and that is pretty  
7 much it.

8 THE COURT: Thank you. You may be seated.

9 Prospective juror number 7, were there any questions  
10 that I asked before to which you would have had "yes" answers?

11 JUROR: Yes, your Honor. I did see someone holding a  
12 poster as I came into the court this morning.

13 THE COURT: OK. And did you read the poster?

14 JUROR: Yes, I did.

15 THE COURT: OK. We'll take that up in a minute.

16 Were there any other questions to which you would have  
17 had a "yes" answer?

18 JUROR: Yes. I have had a number of family members  
19 employed in law enforcement agencies here in New York.

20 THE COURT: And which family members, which kinds of  
21 agencies?

22 JUROR: My father was a New York State -- supervisor  
23 for the Division of Parole. I had two uncles in U.S. Customs  
24 and my brother is required from the United States Coast Guard.

25 THE COURT: OK. Now, were there any other questions

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Voir dire

1 to which you would have had a "yes" answer?

2 JUROR: The last one would be I just recently had my  
3 credit card numbers stolen apparently over the Internet and was  
4 just called on it yesterday.

5 THE COURT: OK. Any others?

6 JUROR: No.

7 THE COURT: OK. Now, in terms of the family members  
8 that you got and had in terms of their positions in law  
9 enforcement, is there anything about their positions that makes  
10 you feel that you couldn't be fair and impartial in this case?

11 JUROR: No, your Honor.

12 THE COURT: Is there anything about their positions  
13 that makes you feel you would biased for or against law  
14 enforcement?

15 JUROR: No, your Honor.

16 THE COURT: In terms of your credit card number  
17 stolen, as we know, that can happen in any variety of ways, was  
18 there anything about that which makes you feel that at this  
19 point in time you could not listen to the evidence in this case  
20 fairly and impartially?

21 JUROR: No, your Honor.

22 THE COURT: All right. Then we will take up the  
23 poster in just a moment.

24 Let me just ask if, number 8, were there any questions  
25 to which you would have had a yes answer?

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Voir dire

1 JUROR: Yes. My English is not -- you know, I could  
2 speak it a little but I don't understand too much. That is the  
3 only one I have.

4 THE COURT: OK. All right. Did you go to school in  
5 this country?

6 JUROR: Yes, ma'am, but --

7 THE COURT: Did you --

8 JUROR: I didn't do college, I went to ninth grade.

9 THE COURT: To ninth grade?

10 JUROR: Yes.

11 THE COURT: You didn't take any college courses?

12 JUROR: No.

13 THE COURT: Do you read English?

14 JUROR: A little bit.

15 THE COURT: What is your job?

16 JUROR: I am a golfer. I work for American Golf  
17 Company.

18 THE COURT: For golf?

19 JUROR: For 25 years for golf.

20 THE COURT: OK. All right. You can be excused.

21 Let's fill in number 8, and then I am going to take  
22 number 7 at sidebar after we have got number 8 in.

23 THE CLERK: Prospective juror number 8, juror number  
24 98 -- nine-eight. Juror number 98, will you please take the  
25 seat that was vacated.



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Voir dire

1 THE COURT: All right. Prospective juror number 8,  
2 were there any questions that I asked before to which you would  
3 have had yes answers?

4 JUROR: Just two. I received a pamphlet which I  
5 didn't read and I have no problem putting aside. The second is  
6 I have a brother who works for the federal government.

7 THE COURT: And what position does your brother have  
8 in the federal government?

9 JUROR: You works for the DOD.

10 THE COURT: OK. And is there anything about your  
11 brother's position with the DOD that makes you feel you  
12 couldn't be fair and impartial in this case?

13 JUROR: No.

14 THE COURT: Does your brother, to the best of your  
15 knowledge, have any position at the DOD that involves cyber  
16 issues?

17 JUROR: I don't know.

18 THE COURT: All right. OK. We'll come back to you  
19 for your bio in a moment. Let's take number 7 down here for a  
20 second, please, sir. Come on down.

21 There is one seat I can in the front row if there is  
22 somebody who is dying to sit down, and there may be another  
23 seat in the front row over there.

24 VOICE: They went to the bathroom.

25 (At the sidebar)

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Voir dire

1 THE COURT: What poster did you see?

2 JUROR: I saw a man holding a poster saying, "No  
3 victim, no crime."

4 THE COURT: And did you associate that in any way with  
5 this case?

6 JUROR: Immediately.

7 THE COURT: OK. And, now, the fact that you saw that,  
8 are you going to be able to put that out of your mind and  
9 listen to what the evidence is in this case?

10 JUROR: I think so, your Honor.

11 THE COURT: And to be fair and impartial in this case?

12 JUROR: I think so, your Honor.

13 THE COURT: OK. When you say you think so, will you  
14 be able to?

15 JUROR: Yes, your Honor.

16 THE COURT: All right. Thank you.

17 And did you see anything else?

18 JUROR: No.

19 THE COURT: OK. You didn't get one of the pamphlets?

20 JUROR: No, I did not. I didn't see anything.

21 THE COURT: All right. Thank you.

22 (Prospective juror not present)

23 MR. DRATEL: Why did he associate it with this case?

24 THE COURT: Because it has got the name. All the  
25 people are down there with the name on it.

F1ddulbv2

Voir dire

1           Number 7, could you come back for one second?

2           (Prospective juror present)

3           THE COURT: One more question, which is why did you  
4           associate it with this case versus some other case?

5           JUROR: Because in jury selection in the big jury room  
6           last week, we were given the questions that you gave to us,  
7           that you read to us, the same ones, so it was the only case  
8           that I know of.

9           THE COURT: So you just didn't know of another case?

10          JUROR: I was wondering, it sounds like this case.

11          THE COURT: OK. But you don't know one way or the  
12          other whether this case has victims or no victims or what  
13          relevance that would have to the law?

14          JUROR: No. I don't know anything about the case  
15          other than the questions that were given to us.

16          THE COURT: You understand the Court would instruct  
17          the jury on the applicable law at the end of the case?

18          JUROR: Yes.

19          THE COURT: You do. Are you able to follow that law?

20          JUROR: I think so, your Honor. Yes, your Honor.

21          THE COURT: Thank you. You can step aside.

22          (Prospective juror not present)

23          THE COURT: I don't see any reason to strike him. How  
24          about you folks?

25          MR. TURNER: No, your Honor.

F1ddulbv2

Voir dire

1 THE COURT: All right. Let's return.

2 (In open court)

3 THE COURT: Let's do the bio for number 7 and 8.

4 Stand up sir, number 7, and tell us a little bit about  
5 yourself.

6 JUROR: I'm 63 years old. I was born here in  
7 Manhattan, raised in the Bronx. I lived there 20 years. Moved  
8 to Brooklyn, lived there 20 years. Worked on Staten Island a  
9 few years. Worked in Queens for six years. And now I live in  
10 Manhattan, where I have now retired after having worked 20  
11 years as a social work supervisor in the mental health field in  
12 support of housing, specifically providing housing for formerly  
13 homeless and mentally ill adults.

14 THE COURT: Did you say -- do you have a spouse or  
15 significant other?

16 JUROR: I have a domestic partner for 20 years.

17 THE COURT: What is their job?

18 JUROR: He is an editor and a writer mostly for  
19 nonfiction.

20 THE COURT: OK. Any particular area of nonfiction?

21 JUROR: I really don't know, your Honor.

22 THE COURT: OK. All right. And do you read books,  
23 magazines on a regular basis?

24 JUROR: I read some magazines. I read The New York  
25 Times most of the day.

F1ddulbv2

Voir dire

1 THE COURT: What kind of magazines do you read?

2 JUROR: National Geographic, Yankee.

3 THE COURT: All right.

4 JUROR: That is about it.

5 THE COURT: All right. Thank you.

6 Number 8.

7 JUROR: I'm 43. I am originally from Pennsylvania. I  
8 have been in White Plains for five years. I am a  
9 neurobiologist. I run a medical research lab in White Plains.  
10 I have been there for five years.

11 I am single. I live alone. I have no children. I  
12 have Ph.D.'s in molecular biology and genetics. I don't have a  
13 lot of spare time, but when I do I read primarily nonfiction  
14 relating to technology, and I don't watch TV.

15 THE COURT: All right. And when you say science and  
16 technology, do you read anything in particular to the computer  
17 technology field?

18 JUROR: Physics.

19 THE COURT: All right. OK.

20 We are into the second round for the peremptories, and  
21 we are going to get through this. In just a couple of minutes,  
22 I will ask you folks for your Post-Its.

23 We will do about two minutes for this and then we will  
24 pick up the Post-Its.

25 (Pause)

F1ddulbv2

Voir dire

1 THE COURT: All right. Let's get our Post-Its.

2 All right. Here we go with round two. Again, those  
3 of you in the back, I am going to call up some of you and you  
4 will fill in the empty spots. Then what we'll do is we'll take  
5 a quick break before we continue along with this same process.  
6 Then there will be just a quick break. People will be able to  
7 stretch their legs, but hold on.

8 THE CLERK: Jurors number 155, 63 and 155 -- excuse  
9 me, 153, corresponding seats 6, 9 and 11. 155, 63 and 153.

10 THE COURT: OK. 6, 9 and 11 are excused, and then  
11 will pick three folks randomly to fill in those spots and we  
12 will take our break.

13 When we take our break, I am just going to have you  
14 folks -- there is a restroom in that jury room back there that  
15 you can use. There is also restrooms in the hall that you can  
16 use. And we'll just take about a five-minute break. As  
17 quickly as we can get out, get back in. Try and take your own  
18 place. Those of you in the box, you will take your own spots  
19 as soon as you get back in.

20 All right. Joe, fill in spots, 6, 9 and 11.

21 THE CLERK: Prospective Juror Number 6, Juror No.  
22 11 -- one-one -- Juror No. 11, will you please take the last  
23 seat in the first row -- well, not the last seat, the  
24 second-to-last seat in the first row.

25 Prospective juror number 9, juror number 12, one-two,

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Voir dire

1 juror number 12, will you please take the third seat in the  
2 second row.

3 And prospective juror number 11, juror number  
4 five-five -- Juror 55 -- Juror 55, will you please take the  
5 fifth seat in the second row.

6 THE COURT: All right, everyone. Now, what we're  
7 going to do is we're going to take a short break.

8 Note, please, it is very, very important that you not,  
9 any of the prospective jurors, those of you who are out in the  
10 audience, those of who are in the box, all of you, no one speak  
11 about this case to each other or to anyone else. It's very,  
12 very important that you not speak about this case. All right?

13 So just take a quick break. Come on back in. Sit  
14 down. We're going to resume in five minutes right here.

15 Thank you.

16 THE CLERK: All rise.

17 (At the sidebar)

18 THE COURT: Now is an obvious time to talk amongst  
19 yourselves and get yourselves organized for the next round. I  
20 just wanted to make sure that you understood the agenda for the  
21 break.

22 MR. DRATEL: I understand, your Honor. It's just --

23 THE COURT: Terrific.

24 MR. TURNER: Your Honor, for scheduling purposes, we  
25 are going to go straight through and then break for lunch?

F1ddulbv2

Voir dire

1 THE COURT: Yes.

2 MR. TURNER: Thank you.

3 (Recess)

4 (In open court)

5 THE COURT: All right. Let's all be seated.

6 And we were going to start with number 6. Hold on.

7 It is number 6 -- 6, 9 and 11.

8 Number 6, were there any questions that I've asked for  
9 earlier to which you would have had a "yes" answer?

10 JUROR: Yes.

11 THE COURT: OK. Which ones?

12 JUROR: My cousin is a NYPD police officer.

13 THE COURT: Who is it?

14 JUROR: Cousin.

15 THE COURT: Your cousin. All right. And are you  
16 close to this cousin?

17 JUROR: Yes.

18 THE COURT: OK. And do you believe that that would  
19 make you biased in favor of or against law enforcement?

20 JUROR: No.

21 THE COURT: Do you believe you could be fair and  
22 unbiased in this case?

23 JUROR: Yes.

24 THE COURT: All right. And is your cousin on any kind  
25 of special detail that you know of?



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Voir dire

1 JUROR: No.

2 THE COURT: No. Anything else that you would have  
3 answered "yes" to?

4 JUROR: No.

5 THE COURT: All right. Number 9, that is you. Were  
6 there any questions that I had asked earlier to which you would  
7 have had a "yes" answer?

8 (Pause)

9 JUROR: There is something. It is the Justice  
10 Department, something to do with the Justice Department. And I  
11 can't be more explicit. I have a slight prejudice. I think I  
12 could be objective in this case but I'm not sure.

13 THE COURT: All right. Were there any other questions  
14 to which you would have a "yes" answer?

15 JUROR: No.

16 (Continued on next page)

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F1dgulbvd3

Voir Dire

1 THE COURT: We'll take that in a moment.

2 No. 11, were there any questions that I asked earlier  
3 to which you would have had a yes answer?

4 JUROR: No.

5 THE COURT: Let me get the bio of no. 6 and no. 11.  
6 Stand up, no. 6 tell us a little bit about yourself.

7 JUROR: I'm 46 years old, born and raised in New York  
8 City. I live in the East Village. And I'm a bus operator for  
9 nine years in the New York City Transit. I'm married with two  
10 kids and completed one year of college. Spare time, I spend it  
11 with the kids. I like to exercise. And I read the local  
12 papers.

13 THE COURT: What are your local papers that you read?

14 JUROR: The News, the Post.

15 THE COURT: And what did you study in college in those  
16 courses?

17 JUROR: Business management.

18 THE COURT: Business management?

19 JUROR: Yes.

20 THE COURT: Thank you. No. 11, tell us a little bit  
21 about yourself.

22 JUROR: I'm 40 years old. I live in this country for  
23 20 years. I have three children. I live with my girlfriend.  
24 I work for a news local organization called News 12. I went to  
25 school for two years. And I have an associate's degree in

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Voir Dire

1 technology and I watch news.

2 THE COURT: Is your girlfriend employed?

3 JUROR: Right now, she's getting a job as accounting.

4 THE COURT: In accounting?

5 JUROR: Yes.

6 THE COURT: Okay.

7 No. 9, why don't you come on down and we'll talk with  
8 you over here at the side bar for a moment.

9 (At the side bar)

10 (Juror present)

11 THE COURT: What is your juror number?

12 JUROR: Pardon?

13 THE COURT: What's your juror number?

14 JUROR: Twelve.

15 THE COURT: No. 12. Okay. So what's the nature of  
16 your issue or concern or potential bias you said?

17 JUROR: It's how they get --

18 THE COURT: Keep your voice down.

19 JUROR: How they get witnesses to testify.

20 THE COURT: All right. Is it generally speaking  
21 something that you came to this court already thinking about or  
22 was it triggered by one of my questions today?

23 JUROR: It was triggered by what you mentioned about  
24 witnesses.

25 THE COURT: Okay. It is the case that it's possible

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Voir Dire

1 that there could be some witnesses who are what we call  
2 cooperating witnesses --

3 JUROR: Yes.

4 THE COURT: -- in this case, and those are individuals  
5 who may themselves be guilty of a crime and they may, in fact,  
6 have been involved in incidents at issue, but the government  
7 has made an agreement with them and they're going to cooperate  
8 and testify.

9 JUROR: Right.

10 THE COURT: And that's a perfectly lawful thing for  
11 the government to do.

12 JUROR: Yes.

13 THE COURT: Do you have some concern about the  
14 government's use of witnesses like that and would you be biased  
15 either for or against their testimony in some manner?

16 JUROR: I know this is the way to do it and it's  
17 usually justified in every way, but I also know -- I know  
18 sometimes it's not. It's just sometimes there can be that kind  
19 of occasion. I know that.

20 THE COURT: Do you think in this case you'd be able to  
21 listen to the evidence given by all witnesses, including  
22 potential cooperator witnesses, and assess the credibility of  
23 those witnesses according to who the witness is and at the time  
24 as you hear them on the stand and whatever you assess about  
25 them while they're on the stand as opposed to assuming

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Voir Dire

1 credibility either for or against them because of who they are,  
2 either a cooperating witness?

3 JUROR: I think I can be objective.

4 THE COURT: You do?

5 JUROR: Yes.

6 THE COURT: Why don't you stand on the side for a  
7 moment.

8 JUROR: All right.

9 (Juror not present)

10 MR. SERRIN: Your Honor, I suppose I'm somewhat  
11 concerned. I mean, she's from a foreign country. A lot of  
12 times foreign countries have different regimes in terms of  
13 cooperating witnesses. She may have a much different  
14 expectation. And she did raise this on her own and she gave,  
15 in response to your Honor's question, an affirmative answer,  
16 but she did seem to have some serious hesitation at first about  
17 the credibility of a cooperating witness and we have two of  
18 them in this case.

19 THE COURT: Mr. Dratel.

20 MR. DRATEL: What she expressed is really not  
21 inconsistent with the instruction that the Court told them  
22 you're going to give the jury, which is, cooperating witnesses  
23 are to be viewed with greater concern than average witnesses  
24 and their credibility is to be determined by a special  
25 standard. It's not same. She said she could be objective

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Voir Dire

1 here. She has been here 40 years. I don't have to question  
2 her. She's from the UK. It's not a particularly different  
3 system and she understands precisely what is going on.

4 THE COURT: I think it's a close-enough call that if  
5 one of you wants to use your peremptory as to this particular  
6 witness, you can do that, but I'm not going to strike her for  
7 cause at this time.

8 MR. DRATEL: Thank you.

9 MR. SERRIN: Thank you.

10 (In open court)

11 THE COURT: All right. No. 9, why don't you, as  
12 you're getting settled there, tell us a little bit about  
13 yourself.

14 JUROR: I'm 68 and I live in lower Manhattan, Nolita,  
15 with my husband, and we don't have children. And he is a  
16 production editor for Harper Collins. And I'm a writer and  
17 freelance writer and teacher and I read the news. I get my  
18 news mainly from the Internet, but I read the New Yorker and I  
19 read -- I read the headlines of the post. I read the Wall  
20 Street Journal, the Times.

21 THE COURT: Thank you.

22 JUROR: Thanks.

23 THE COURT: Do you watch any TV on a regular basis?

24 JUROR: Downton Abbey and Charlie Rose.

25 THE COURT: Thank you. Thank you. Ladies and

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Voir Dire

1 gentlemen, let's to our third round of the peremptories. Let's  
2 try to make this one a little quicker. Let's get the defense  
3 Post-It.

4 THE DEPUTY CLERK: Jurors no. 135, 11 and 12,  
5 corresponding seats four, six and nine.

6 THE COURT: Joe is, in a moment, going to call three  
7 more names and fill in three more, folks. That will allow  
8 three more folks to sit down and get ourselves ready for the  
9 fourth round. We just had our third round. We'll get ready  
10 for our fourth. Let's fill in four, six and nine.

11 THE DEPUTY CLERK: Prospective juror no. 4, 134.  
12 Juror No. 134, will you please take the fourth seat in the  
13 first row. Prospective juror no. 6, juror no. 97, will you  
14 please take the sixth seat in the first row. And prospective  
15 juror no. 9, juror no. 93. Juror No. 93, will you please take  
16 the third seat in the second row.

17 THE COURT: Prospective juror no. 4, were there  
18 questions that I asked to which you would have had a yes  
19 answer?

20 JUROR: Yes. Somebody gave me a flier when I was  
21 coming in.

22 THE COURT: Did you read it?

23 JUROR: I put it aside. I didn't read it yet.

24 THE COURT: Could you put it aside until you are  
25 either dismissed from the case and until the evidence is all in

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Voir Dire

1 and the case is completely over?

2 JUROR: Yes.

3 THE COURT: All right. Anything else?

4 JUROR: No.

5 THE COURT: Any other questions you would have had a  
6 yes answer to?

7 JUROR: No.

8 THE COURT: All right. No. 6, any questions you would  
9 have had a yes answer to?

10 JUROR: Yes, your Honor. I had previous law  
11 enforcement work experience with them, and I saw the poster. I  
12 do have legal studies and time.

13 THE COURT: And time meaning how long the trial is  
14 going to be?

15 JUROR: Yes.

16 THE COURT: In terms of law enforcement, is it you  
17 yourself or someone else?

18 JUROR: I volunteer with them and I do know people.

19 THE COURT: When you say volunteer, who do you  
20 volunteer with?

21 JUROR: NYPD. I volunteer with them for a year  
22 and-a-half.

23 THE COURT: When was that?

24 JUROR: Three years ago.

25 THE COURT: Is there anything about your experience



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Voir Dire

1 with the NYPD that makes you feel that you would be biased  
2 either in favor of or against law enforcement?

3 JUROR: No.

4 THE COURT: And in terms of legal studies, what were  
5 you studies?

6 JUROR: I am currently a student at Nyack College  
7 studying criminal justice with a minor in psychology and  
8 biblical studies.

9 THE COURT: Is there anything about those studies that  
10 makes you feel that you couldn't be fair and impartial in this  
11 case and accept the instructions on the law that the Court  
12 gives you?

13 JUROR: I'm not sure. I'm not completely sure. I  
14 have my own interpretation already of the law. We studied the  
15 laws already from the court and I'm not sure would I be  
16 able --

17 THE COURT: All right. You can go. Let's get a new  
18 no. 6 in. That's okay. I want the honest answer. The only  
19 reason I do it quickly is so that we can move on. Let's get a  
20 new no. 6 and then we'll get to no. 9.

21 THE DEPUTY CLERK: Prospective juror no. 6, Juror No.  
22 146. Ma'am, will you please take the sixth seat in the first  
23 row.

24 THE COURT: No. 6, were there any question that I  
25 asked before that you would have had a yes answer to?

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Voir Dire

1 JUROR: No.

2 THE COURT: Thank you.

3 No. 9, any questions that I asked before that you  
4 would have had a yes answer to?

5 JUROR: No.

6 THE COURT: Let's get a little bit of a bio from four,  
7 six and nine. Number four.

8 JUROR: I'm 63 years old. I was born and raised in  
9 New York City. I live in the lower east side right now for 40  
10 years. And I've been working for the post office in the City  
11 Hall area for about 32 years. I work as a sales associate and  
12 currently a passport agent. And I'm divorced and I live alone.  
13 I have one grown son. He's working for the headquarters for  
14 Walgreens in Chicago. And I completed two years of college,  
15 but I didn't finish. And on my spare time, I like to go to the  
16 movie theaters and watch movies. And I don't read any  
17 particular magazines or -- regularly, but newspapers, I read  
18 the free papers if that counts, the AM and the Metro, and I  
19 watch television at home.

20 THE COURT: What kinds?

21 JUROR: Sometimes -- programs and business news,  
22 regular news and sitcoms and some TCM, old movies.

23 THE COURT: And you said that you're a sales agent.  
24 Is that with a store?

25 JUROR: No, no. I'm a passport agent at the post

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Voir Dire

1 office.

2 THE COURT: I see. Are you a postal employee?

3 JUROR: Yes.

4 THE COURT: And so you're one of the individuals who  
5 accepts applications for passports?

6 JUROR: Yes.

7 THE COURT: Now, you heard earlier that I said that  
8 one of the allegations in this case that it will be the  
9 government's burden to prove is the possibility of false  
10 identification documents. Among those false identification  
11 documents could be false or allegedly false passports.

12 Do you think that you would be able to view that  
13 evidence fairly and impartially, even though you are yourself a  
14 passport agent with the U.S. Postal Service?

15 JUROR: Yes.

16 THE COURT: Thank you.

17 JUROR: Thank you.

18 THE COURT: No. 6, tell us a little bit about  
19 yourself.

20 JUROR: I'm 45. I've been in this country about 36  
21 years. I live in Westchester with my ex-husband and my three  
22 children. I'm a network analyst. I have a bachelor in  
23 computer science. Right now, I work for a healthcare system  
24 doing their code information management. In my spare time, I  
25 watch the Cooking Channel and football, and I think that's it.

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Voir Dire

1 THE COURT: Do you read anything in particular?

2 JUROR: Not really, just things in general, any kind  
3 of paper, books in passing.

4 THE COURT: And did you say what your ex-husband does  
5 or your husband?

6 JUROR: He works for radio station. He does their  
7 broadcasting for a Caribbean station.

8 THE COURT: Where are you from originally?

9 JUROR: The Isle of Man.

10 THE COURT: Thank you.

11 JUROR: Thank you.

12 THE COURT: No. 9.

13 JUROR: I'm 39 and I was born in this country. I live  
14 in Westchester with my husband and daughter who is six. I'm a  
15 teacher for 15 years in Yonkers and my husband is an  
16 educational consultant. I have two masters degrees, one in  
17 elementary education and one in reading. In my spare time, I  
18 spend it with my family, friends, exercising, traveling. I  
19 read Self magazine, Cooking Light. I don't read any  
20 newspapers. And mostly, we watch comedies or sitcoms.

21 THE COURT: Thank you. All right. Ladies and  
22 gentlemen, we'll do the fourth round. Let's get your Post-Its  
23 in just a moment.

24 MR. DRATEL: A brief side bar?

25 THE COURT: Yes.

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Voir Dire

1 (At the side bar)

2 THE COURT: Mr. Dratel.

3 MR. DRATEL: In addition to the charges in the case  
4 about the identification documents, there's also going to be  
5 evidence that the defendant himself received false  
6 identification documents and so I think if we can ask that  
7 juror, juror no. 4 I think it is, yeah, who is a post office  
8 employee about whether that might have an impact, because that  
9 may not be something that's contested necessarily. So it's not  
10 a question of evaluating the credibility of the evidence. It's  
11 really effectively the evidence itself that is going to come in  
12 about the charges.

13 THE COURT: I don't want to go into the nature of the  
14 evidence here because it could get us down a morass. I don't  
15 think there's any basis for a cause strike right now. If you  
16 want to use a peremptory on that juror, you are welcome to.

17 Is there anything else?

18 MR. DRATEL: No. I was just thinking.

19 THE COURT: Similar to what we had the other time with  
20 the government, so you can use your peremptories as you see  
21 fit.

22 (In open court)

23 THE COURT: All right.

24 THE DEPUTY CLERK: Juror no. 134, 98 and 55,  
25 corresponding seats four, 11 and eight.

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Voir Dire

1 THE COURT: So we're going to get three more folks to  
2 come in and sit down, and then we're going to be getting  
3 ourselves ready for the fifth round. Two rounds left for this  
4 part and then it's just the alternates after that.

5 Let's get our folks for seats four, eight and 11.

6 THE DEPUTY CLERK: Prospective juror no. 4, juror no.  
7 141. Juror No. 141, please take the fourth seat in the first  
8 row.

9 Prospective juror no. 8, juror no. 53, 53. Juror No.  
10 53, will you please take the second seat in the second row.

11 Prospective juror no. 11, Juror no. 111, 111. Juror  
12 No. 111, please take the fifth seat in the second row where the  
13 lady is getting up.

14 THE COURT: Prospective juror no. 4 four, were there  
15 any questions I asked earlier to which you would have had a yes  
16 answer?

17 JUROR: No.

18 THE COURT: Thank you.

19 Prospective juror no. 8, were there any  
20 questions -- you're in the eighth spot.

21 JUROR: Sorry.

22 THE COURT: That's all right. Prospective juror no.  
23 8, were there any questions I had asked before to which you  
24 would have had a yes answer?

25 JUROR: No.

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Voir Dire

1 THE COURT: Prospective juror no. 11, were there any  
2 questions before to which you would have had a yes answer?

3 JUROR: No.

4 THE COURT: Thank you. Why don't you, no. 4, tell us  
5 a little bit about yourself.

6 JUROR: I'm 46. I've lived in this country for 25  
7 years. In the Bronx now for 18 years. I live with my two  
8 grandchildren and granddaughter. I currently work for Metro  
9 North as a coach cleaner. And I've never been married. My  
10 oldest son, he works as a magician and my daughter started  
11 working for an answering service for doctors. I have an  
12 associate degree in hospitality management and in my spare  
13 time, I babysit shop, read books and I also watch TV like  
14 forensic science, whatever my granddaughter watches.

15 THE COURT: What kinds of books do you read?

16 JUROR: Like James Patterson, romance novels, stuff  
17 like that.

18 THE COURT: Thank you. Prospective juror no. 8.

19 JUROR: That's me. I am 67. I was born in Manhattan.  
20 I presently live in midtown Manhattan. I'm retired. I was a  
21 deputy city registrar for the Department of Health. I signed  
22 off on corrections to birth and death records. I was married.  
23 I have no children. I'm divorced. I went to Marymount and I  
24 received a medical administration certificate. I volunteer for  
25 God's Love We Deliver food kitchens, that kind of thing, Ronald

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Voir Dire

1 McDonald. I watch Law and Order and the Cooking Channel, and  
2 I don't -- I'm not really addicted to any newspapers or  
3 anything like that.

4 THE COURT: You're not addicted to them. Do you  
5 sometimes peruse them?

6 JUROR: Not even sometimes. Too depressing.

7 THE COURT: All right. What was your ex-husband's  
8 position, job? Profession?

9 JUROR: Hairdresser.

10 THE COURT: Now, juror no. 11, there you are, sir,  
11 tell us a little bit about yourself.

12 JUROR: Okay. I am 59 years old, born and raised in  
13 New York. I live in Yonkers, New York. I work in television  
14 advertising sales for the past 30 years. I have a domestic  
15 partner of 13 years. He is a retired Air Force lieutenant  
16 colonel now working for Homeland Security TSA headquarters in  
17 Virginia. College graduate. I read every newspaper I can get  
18 my hands on, and if it's a documentary, that's what I watch on  
19 television.

20 THE COURT: Thank you. Now, you had -- you said you  
21 are retired Air Force?

22 JUROR: My partner is.

23 THE COURT: He's retired from the Air Force, and he is  
24 currently employed by Homeland security?

25 JUROR: TSA headquarters. He develops the airport



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1 security for all airports in the United States.

2 THE COURT: All right. Is there anything about his  
3 position with Homeland Security that makes you feel that you  
4 would be biased in favor of the government or against the  
5 government in this lawsuit?

6 JUROR: Not at all.

7 THE COURT: Do you think you can be fair and unbiased  
8 in this lawsuit?

9 JUROR: Yes. I can be fair.

10 THE COURT: Thank you, sir. You may be seated.

11 So we are into the fifth round, one and one. Let's  
12 get ourselves some Post-Its here. We have one round after  
13 that, then we go to the alternates. Ladies and gentlemen, we  
14 are getting there. Let's get our Post-Its.

15 THE DEPUTY CLERK: Juror nos. 141 and 111. So we're  
16 going to fill in two and then we're going to go get ready for  
17 our sixth and last round of peremptories as to the 12, all  
18 right? Let's get somebody in seat number four and seat number  
19 11.

20 Prospective juror no. 4, juror no. 124, 124, juror no.  
21 124, please take the fourth seat in the first row. And  
22 prospective juror no. 11, juror no. 85, 85.

23 MR. DRATEL: May we have a brief side bar.

24 THE DEPUTY CLERK: Juror no. 85, take the fifth seat  
25 in the second row.

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1 THE COURT: Let me get through some of these  
2 preliminaries, and then we'll do that. All right.

3 We have a new person in seat four and somebody heading  
4 towards seat 11. The person in seat four, were there any  
5 questions that I had asked before earlier today that you would  
6 have had yes answers to?

7 JUROR: No. I don't have any problem with the  
8 questions that you asked.

9 THE COURT: So neither of you have any questions you  
10 would have given yes answers to, is that right?

11 JUROR: Yes.

12 JUROR: No.

13 THE COURT: So I'm getting answers of no  
14 questions -- no "yes" answers to any of my questions from both  
15 four and 11. Before we get to your bios, let me take counsel  
16 at side bar. We're getting ready for our sixth and last round  
17 of the 12 and then we have the alternates.

18 (At the side bar)

19 THE COURT: Mr. Dratel.

20 MR. DRATEL: Yes, on round four, which was a  
21 two-round -- two challenge round and initially thought it was a  
22 1-challenge round, so I had -- I think, I forget the  
23 number -- I don't remember the number but the point was that in  
24 the second one that I challenged it was not the juror I  
25 intended to challenge, the two jurors who are sitting next to

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1 each other, one is 98, one is 93. I challenged 98. I intended  
2 to challenge 93.

3 THE COURT: Is 98 still there?

4 MR. DRATEL: No. I said I wrote 98.

5 THE COURT: So 93 you meant to challenge?

6 MR. DRATEL: Yeah.

7 THE COURT: And they're currently in what seat?

8 MR. DRATEL: They're in seat nine.

9 MS. MARINO: Nine.

10 THE COURT: You still have one peremptory left. It's  
11 not it a cause strike.

12 MR. DRATEL: I'm just saying that it was a mistake.

13 THE COURT: I hear you. I can't give you any more  
14 peremptories than the rules allow in this round. You have one  
15 more round, okay.

16 (In open court)

17 THE COURT: So we have number four and 11. Number  
18 four, tell us a little bit about yourself.

19 JUROR: I'm a registered nurse. I've been doing that  
20 for 25 years. I came to this country in 1977. I'm 47 years  
21 old. I don't have any spare time. I'm not married. I'm  
22 single. I have a degree, a Bachelor of Science. No spare  
23 time. I don't read the paper, don't watch TV except for  
24 Scandal and the Walking Dead.

25 THE COURT: Thank you. Number 11, tell us a little

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1 about yourself. Stand up. It would help to get a good sound.

2 JUROR: I am 55 years old. I work as a security  
3 business. I live with my -- well, my father lives with me in  
4 the Bronx. I was married for 20 years, divorced three years  
5 ago. Yes, I do love to read. I like to read Sports  
6 Illustrated, the Chief, the Daily News, and etc.

7 Also, on my spare time, I watch CNN and FOX. I love  
8 sports, okay, I have a son, 31 years old. He works in the  
9 Manhattan as a doorman. That's about it.

10 THE COURT: And you said you work in the security area  
11 of -- in what capacity? What's your job?

12 JUROR: What I do is, I check the monitors at the -- I  
13 work in the office. I work and I check TV monitors in a  
14 building.

15 THE COURT: And you said your father lives with you.  
16 Is he retired from a particular occupation?

17 JUROR: Yes, he is, yes, he is. He's 90 years old and  
18 he came from Puerto Rico.

19 THE COURT: What did he do when he was working?

20 JUROR: He was a truck driver.

21 THE COURT: Okay.

22 JUROR: Okay.

23 THE COURT: What did your wife do?

24 JUROR: My wife, she was basically a house -- cooking  
25 and stuff like that.

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1 THE COURT: Stay-at-home mother?

2 JUROR: Yes.

3 THE COURT: Okay. Let's go on to the last round of  
4 the peremptories against the 12, and then we'll go to the two  
5 rounds as to the alternates and then we're done. All right.  
6 Let's get the last Post-It as to the panel of 12.

7 THE DEPUTY CLERK: Juror nos. 124 and 93,  
8 corresponding seats four and nine.

9 THE COURT: So we'll get two of you folks in just a  
10 moment to come up and fill in; and we'll return our attention  
11 to the filling of seats four and nine.

12 THE DEPUTY CLERK: Prospective juror no. 4, juror no.  
13 116, 116. Juror No. 116, will you please take the fourth seat  
14 in the first row. And prospective juror no. 9, Juror No. 92,  
15 92. Ninety-two, will you please take the third seat in the  
16 second row?

17 THE COURT: All right, number four, were there any  
18 questions I had asked earlier to which you would have had yes  
19 answers?

20 JUROR: I saw that there was picketing out front, but  
21 I didn't see what it was about.

22 THE COURT: Did you associate it for any particular  
23 reason with this case?

24 JUROR: No. I had gone in the other entrance and it  
25 was so backed up, they told us to come around here and I was

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1 stressed about being late.

2 THE COURT: Were there any other questions to which  
3 you would have had a yes answer?

4 JUROR: No.

5 THE COURT: Thank you. Number nine, any questions to  
6 which you would have had a yes answer?

7 JUROR: No.

8 THE COURT: Why don't we hear a little about bit you,  
9 number four.

10 JUROR: I'm 48. I lived in the United States all my  
11 life, except for a couple of stints overseas. I live in  
12 Morningside Heights in Manhattan. I live with my family, my  
13 husband, who is an associate professor of history at Bronx  
14 Community College, and I have two kids, ages nine and 11,  
15 almost 12. Over the last five years, I've been a writer and  
16 editor in academic medicine here in New York. And then I have  
17 a master's in teaching social studies. In my spare time, I do  
18 things with my family, traveling locally, going to museums,  
19 things like that. We get the Times and I, you know, read it as  
20 best I can, and we get the New Yorker and the New York -- and  
21 New York magazine, which I scarcely have a chance to read. I  
22 read some books, and we don't have a TV, so I don't watch TV or  
23 TV news.

24 THE COURT: What kind of books to you read when you're  
25 reading books?

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1 JUROR: Mostly biographies. And I'm reading mostly  
2 biographies, histories of New York City, history mostly.

3 THE COURT: All right. Thank you. You may be seated.

4 No. 9, tell us a little bit about yourself.

5 JUROR: Okay. I'm 26 years old. I lived in this  
6 country for 17 years. I live in the Bronx with my mom and dad.  
7 Over the last five years well. I worked -- I'm currently  
8 working with the Social Security Administration. I've been  
9 there for four years as a claims representative and I just  
10 started as what they call a technical expert and the previously  
11 before that, I was a college student.

12 Not married. No children. I have a Bachelor's of  
13 Science in business administration and political science. And  
14 on my spare time, I'm with my friends, with my family. I do  
15 some cooking. I usually just read Glamour magazine. I don't  
16 read newspapers unless they're in the office and might look  
17 through them, but I don't really read them. I do watch news  
18 and just movies on TV. That's it.

19 THE COURT: And you said that you're now going to be a  
20 technical expert. Does that mean like a computer technical  
21 expert?

22 JUROR: Yes; similar to that, like, I'll fix any  
23 problems from the office when needed.

24 THE COURT: For the computer?

25 JUROR: Yeah or for the staff overall.

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1 THE COURT: Do you have some particular training in  
2 that?

3 JUROR: Not really. I guess training comes with the  
4 job over the years, so nothing specific.

5 THE COURT: All right. So you're like the IT help  
6 desk?

7 JUROR: Yes. Pretty much.

8 THE COURT: Thank you. Alternates no. 1, 2, 3 and 4,  
9 we had heard a little bit about you before, right? We did the  
10 bios. Am I remembering this correctly? Yes. I remember  
11 hearing from each of you, so I'm thinking I have heard about  
12 you. We're going to go into the rounds as to alternates one,  
13 two, three and four only. There are just two rounds of these,  
14 one and one each round. After this, we're going to take a  
15 lunch break, so food is not far away. Let's get our Post-Its  
16 for the first round of the alternates.

17 THE DEPUTY CLERK: Juror nos. 59 and 107,  
18 corresponding seats alternate two and alternate three.

19 THE COURT: So we're going to get two folks into  
20 alternate spot two and alternate spot three, and then we'll go  
21 into our last round all together, it's our last round for the  
22 alternates and our last round for everyone. Let's fill in two  
23 and three.

24 THE DEPUTY CLERK: Alternate juror no. 2, prospective  
25 alternate juror no. 2, juror no. 173, 173. Would you please



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1 take the second or the third seat in the second row?

2 And prospective alternate juror no. 3, juror no. 156,  
3 156. Juror No. 156, will you please take the third seat in the  
4 last row.

5 THE COURT: Alternate no. 2.

6 JUROR: Yes.

7 THE COURT: Were there any questions I had asked  
8 earlier that you would have had a yes answer to?

9 JUROR: No.

10 THE COURT: Alternate no. 3, were there any questions  
11 earlier that I had asked to which you would have had a yes  
12 answer to?

13 JUROR: Yes. Two questions.

14 THE COURT: Which ones?

15 JUROR: On did you serve in the military outside the  
16 United States, that is yes.

17 THE COURT: Which military did you serve in?

18 JUROR: In Ovaya (ph) 30 something years ago.

19 THE COURT: Is there anything about your military  
20 service that makes you believe that you're unable to be fair  
21 and impartial in this case?

22 JUROR: No.

23 THE COURT: Do you believe that your military service  
24 would make you more biased towards law enforcement?

25 JUROR: No.

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1 THE COURT: Do you believe you can be unbiased here?

2 JUROR: Yes.

3 THE COURT: What's the other question or questions to  
4 which you had yes answers?

5 JUROR: I did pick up one of the fliers. I didn't get  
6 a chance to read it.

7 THE COURT: Are you willing to put that to the side  
8 until the close of the evidence and the termination of this  
9 case?

10 JUROR: Yes. I don't possess it anymore.

11 THE COURT: You threw it out?

12 JUROR: Yes.

13 THE COURT: Thank you. Why don't you tell us,  
14 alternate no. 2 first a little bit about yourself.

15 JUROR: I'm 42 years old. I was born in this country.  
16 I reside in Manhattan right now. I'm a Zumba instructor and a  
17 health coach, so I have a -- I work with a product brokerage  
18 company. We do a lot of stuff on the Internet. I have been  
19 married. I was married to an officer, divorced, getting a  
20 divorce, in the middle of a divorce.

21 THE COURT: When you say officer, do you mean NYPD?

22 JUROR: Yeah. He retired.

23 THE COURT: Is there anything about the fact that you  
24 were married to somebody in the NYPD that makes you feel like  
25 you would be either biased for or against law enforcement?

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1 JUROR: No. I have two children, one is in the Army  
2 and I have a Bachelor's in English literature. I work out. In  
3 my spare time, I take my dog for a walk, movies, dinner. I  
4 read a lot of books, a lot of motivational books, finance  
5 books. And I like to watch Modern Family and the Flash,  
6 Gotham. That's it.

7 THE COURT: And does the fact that you have a son you  
8 said in the Army --

9 JUROR: Uh-huh.

10 THE COURT: -- does that make you feel that you would  
11 be unable to be fair and biased towards the U.S. government in  
12 this case?

13 JUROR: No.

14 THE COURT: Do you feel like you can listen to the  
15 evidence here fairly and impartially as to all parties?

16 JUROR: Yes.

17 THE COURT: Thank you. Number three, alternate three.

18 JUROR: I'm 53 years old. I've lived in the United  
19 States around 33, 34 years. I live in Westchester with my wife  
20 and two young children around ten and 12. I am operating  
21 engineer for an international regulation organization in  
22 Manhattan. I worked for them around seven years. My wife is a  
23 housewife. She takes care of the kids. I have graduated from  
24 the State University of New York, Bachelor of Art, Humanities.  
25 I also teach electricity, technical subjects. I read

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1 newspapers, the New York Times, Time magazine, nature and  
2 National Geographic. I haven't watched TV for a couple of  
3 years since NetFlix became popular and when I watched TV prior,  
4 basically it's nature shows.

5 THE COURT: Thank you. You may be seated, sir.

6 All right, ladies and gentlemen, we have our last  
7 round, one and one as to the alternates. Let's get our last  
8 Post-It from folks.

9 THE DEPUTY CLERK: Alternate juror no. 2, no. 173.

10 THE COURT: So we'll get somebody to fill in that  
11 spot.

12 THE DEPUTY CLERK: Prospective alternate juror no. 2,  
13 juror no. 81. Juror no. 81, will you please take the vacated  
14 seat.

15 THE COURT: All right. Alternate no. 2, were there  
16 any questions that I had asked earlier that you would have had  
17 a yes answer to?

18 JUROR: No, no.

19 THE COURT: All right. And why don't you tell us a  
20 little bit about yourself. Stand up if you could. Thank you.

21 JUROR: I'm 64 years old. I live in Westchester  
22 County. I'm single. I served in the military and I work for  
23 Merigold Fathers. I have no children. I have 14 years of  
24 school. I worked as a med tech. That's about all.

25 THE COURT: So does your service in the U.S. Army make

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1 you feel that you would be biased for or against the U.S.  
2 government or law enforcement in this case?

3 JUROR: No.

4 THE COURT: Do you believe you could be fair and  
5 impartial in this case?

6 JUROR: Yes.

7 THE COURT: You may be seated, sir. Is the jury  
8 acceptable to the government?

9 MR. SERRIN: Yes, your Honor. Thank you.

10 THE COURT: Is the jury acceptable to the defendant?

11 MR. DRATEL: Yes, your Honor.

12 THE COURT: Ladies and gentlemen, I am pleased to say  
13 that we have completed jury selection in this matter. Those of  
14 you who have not been accepted and did not need to be called as  
15 jurors here, I want to thank you for being here and being  
16 present. It's only with the ability to call on folks to sit  
17 and to serve that our jury system works.

18 Mr. Pecorino, will give you your cards and have you  
19 return back down to wherever he tells you to go, the jury room.  
20 And those of you who have been selected, just sit still for a  
21 moment while Joe takes care of that paperwork.

22 We're going to read your juror numbers into the record  
23 and then let you folks have some lunch, which we have already  
24 got for you in the next room, and then they'll release you for  
25 lunch.

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1 I'm going to have Mr. Pecorino read your numbers into  
2 the record so we're sure we have all the right juror numbers in  
3 the right spots and then we're going to spare you in. All  
4 right.

5 THE DEPUTY CLERK: Juror no. 1, juror 136; juror no.  
6 2, juror 49; juror no. 3, juror 181; juror no. 4, juror 166  
7 (sic); juror no. 5, juror 101; juror no. 6, juror 146; juror  
8 no. 7, juror 43; juror no. 8, juror 53; juror no. 9, juror 92;  
9 juror no. 10, juror 140; juror no. 11, juror 85; and juror no.  
10 12, juror 38.

11 Alternate juror no. 1, juror 61; alternate juror no.  
12 2, juror 81; alternate juror no. 3, juror 156; and alternate  
13 juror no. 4, 106.

14 JUROR: I'm so sorry. I'm 116. Did I mishear you  
15 when I was sitting down?

16 THE DEPUTY CLERK: I apologize. It's 116.

17 THE COURT: That's why we do it. Mr. Pecorino, will  
18 you please swear in the jury.

19 THE DEPUTY CLERK: Jurors, please rise.

20 (Continued on next page)